

EXHIBIT AC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

JOSEPH M. LAURA, ANTHONY R.
SICHENZIO, and WALTER GIL DE RUBIO,

Defendants.

Civil Action No.
18-CV-5075 (NGG) (VMS)

Videotaped deposition of JOSEPH
MARTELLI, taken by Plaintiff on April 14, 2021,
commencing at 10:30 a.m. and ending at 5:10 p.m.,
pursuant to notice, conducted remotely, before
Christina Diaz, a Certified Realtime Captioner,
Certified Realtime and Registered Merit Reporter
and Notary Public within and for the State of
New York.

1 APPEARANCES:

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14 ALSO PRESENT:

15 TIM HUNTER, Videographer

Wednesday, April 14, 2021

10:30 A.M. - 5:10 P.M. E.S.T.

--oOo--

THE VIDEOGRAPHER: Good morning. Here

begins the videotaped deposition of Joseph

Martelli in the matter of the SEC v. Laura,

et al. This deposition is being held via

Webex. Today's date is April 14th, 2021.

The time on the record is 10:30 a.m. My name

is Tim Hunter. I'm your legal videographer.

Counsel, would you please introduce

yourselves and state whom you represent for

the record, starting with noticing counsel.

And the witness will be sworn.

MS. SPILLANE: Good morning. My name is

Margaret Spillane. I represent the

plaintiff, Securities and Exchange

Commission, in this action. Also appearing

today is my colleague, Victor Suthammanont.

And at some point, our colleague, Kevin

McGrath, will also join. And he will

announce his appearance or I will when he

does join.

MR. O'CONNOR: Good morning, everyone.

Kevin O'Connor on behalf of Joseph Laura and

10:31:30 1 Anthony Sichenzio and also representing the
10:31:31 2 witness today, Mr. Joseph Martelli.

3

4

J O S E P H M A R T E L L I,

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having been remotely sworn as

6

stipulated by the parties, was

7

examined and testified as follows:

8

10:31:49 9 EXAMINATION

10:31:49 10 BY MS. SPILLANE:

10:31:50 11

10:31:50 12 Q. Good morning, Mr. Martelli. As I said,
10:31:54 13 my name is Margaret Spillane. I'm a staff attorney
10:31:59 14 with the Securities and Exchange Commission. I
10:32:01 15 appreciate your time in appearing today.

10:32:04 16 I wanted to ask you before we begin if
10:32:06 17 you have ever provided testimony in a deposition
10:32:09 18 previously?

10:32:09 19 A. No.

10:32:12 20 Q. Okay. Let me just go over a couple of
10:32:15 21 ground rules before we get started. The court
10:32:17 22 reporter, Ms. Diaz, is making a record of today's
10:32:20 23 conversation. She takes down everything we say,
10:32:23 24 but she can't record gestures such as nodding your
10:32:27 25 head. We do have a videographer today, so those

10:37:14 1 The only -- I mean, I have my timekeeper app
10:37:20 2 on. It's not something he would even know to
10:37:22 3 use. I do have the folder with the documents
10:37:24 4 that you sent.

10:37:27 5 MS. SPILLANE: Understood.

10:37:27 6 BY MS. SPILLANE:

10:37:34 7 Q. And that agreement concerning
10:37:35 8 communications and extraneous materials or
10:37:38 9 documents would also apply to any personal
10:37:41 10 electronic device that you have in front of you
10:37:42 11 such as your phone or anyone else's phone.

10:37:47 12 A. It's off.

10:37:50 13 Q. So please refrain from reviewing that
10:37:52 14 while we're on the record. And to the extent that
10:37:54 15 there are any communications or documents that you
10:37:56 16 review while we're off the record, we would ask
10:37:59 17 that you -- that they be discussed and included on
10:38:05 18 the record.

10:38:06 19 Do you understand?

10:38:12 20 A. Yes.

10:38:13 21 Q. Okay. Can you please provide your full
10:38:16 22 name and address for the record?

10:38:17 23 A. Joseph Martelli. 82 Shinnecock Hill
10:38:24 24 Court, Howell, New Jersey 07731.

10:38:29 25 Q. Okay. And do you have a middle name?

10:38:31 1 A. Paul.

10:38:33 2 Q. Okay. And are you a junior, a senior,

10:38:36 3 anything like that?

10:38:37 4 A. No.

10:38:38 5 Q. Okay. Do you have any relatives that

10:38:42 6 are also named Joseph Martelli?

10:38:45 7 A. Yes.

10:38:45 8 Q. And who is that or are they?

10:38:49 9 A. My father.

10:38:52 10 Q. Okay. And what's his middle name, if he

10:38:54 11 has one?

10:39:01 12 A. He doesn't.

10:39:02 13 Q. Okay. And how long has the -- I think

10:39:03 14 you said Shinnecock. How long has that been your

10:39:08 15 address? How long has that been your residence?

10:39:10 16 A. Since October 2019, I think, or

10:39:16 17 October --

10:39:17 18 Q. Okay. Where were you living before

10:39:19 19 that?

10:39:20 20 A. In Mountainside, New Jersey.

10:39:23 21 Q. What was the address in Mountainside?

10:39:27 22 A. I think it was 930 Mountain Avenue.

10:39:33 23 Q. Okay. The current address, do you rent

10:39:35 24 or own that property?

10:39:36 25 A. Rent.

10:39:39 1 Q. Okay. And the prior address?
10:39:43 2 A. Rent.
10:39:44 3 Q. And how long did you live at 930
10:39:49 4 Mountain Avenue?
10:39:51 5 A. About seven years.
10:39:58 6 Q. Okay. So 2012, that would make it?
10:40:03 7 A. 2011.
10:40:05 8 Q. Okay. And what about before that?
10:40:07 9 A. Before that, St. Louis Missouri.
10:40:14 10 Q. And when did you move to New Jersey?
10:40:17 11 A. The end of -- very end of 2010.
10:40:26 12 Q. Okay. And so you were living in St.
10:40:29 13 Louis Missouri for all of 2010 until you moved to
10:40:34 14 New Jersey?
10:40:38 15 A. Yes.
10:40:39 16 Q. Okay. What month in 2010 did you move?
10:40:44 17 A. October, I believe.
10:40:50 18 Q. Okay. And were you living in St. Louis
10:40:56 19 Missouri during 2009?
10:40:58 20 A. Yes.
10:40:58 21 Q. Okay. All of 2009?
10:41:00 22 A. Yes.
10:41:07 23 Q. Okay. And what was the reason you moved
10:41:09 24 back to New Jersey?
10:41:10 25 A. I moved to come work for Pristec.

10:41:20 1 MS. SPILLANE: Okay. If we could turn
10:41:22 2 to exhibit -- Claimant's Exhibit 229, please.

10:41:31 3 (Claimant's Exhibit 229, Letter dated
10:41:31 4 2/2/21, with attachment, six pages, was
10:41:32 5 marked for identification)

10:41:45 6 MR. O'CONNOR: Okay.

10:41:45 7 BY MS. SPILLANE:

10:41:46 8 Q. Mr. Martelli, do you recognize this
10:41:47 9 document?

10:41:56 10 MR. O'CONNOR: Let me show you the whole
10:41:58 11 thing. Okay.

10:42:23 12 A. Yes.

10:42:24 13 BY MS. SPILLANE:

10:42:24 14 Q. How are you familiar with this document?

10:42:29 15 A. It was served to me.

10:42:33 16 Q. Okay. And are you here today pursuant
10:42:35 17 to this subpoena?

10:42:36 18 A. Yes.

10:42:38 19 Q. Okay. And did you do anything to
10:42:43 20 prepare for today's deposition?

10:42:48 21 A. Just speak to my representation.

10:42:54 22 Q. And that's Mr. O'Connor?

10:42:56 23 A. Yes.

10:42:58 24 Q. Okay. Was there anyone else present
10:43:03 25 during that conversation?

10:54:51 1 BY MS. SPILLANE:

10:54:52 2 Q. Is that right?

10:54:53 3 MR. O'CONNOR: He said he didn't have
10:54:54 4 time to order them. That's what he just told
10:54:57 5 you.

10:54:59 6 MS. SPILLANE: And I asked the question,
10:55:00 7 which is: Do you believe that these are
10:55:02 8 documents that exist that are in your
10:55:04 9 control?

10:55:05 10 MR. O'CONNOR: No. We all know that
10:55:08 11 that's a legal definition. Control -- you
10:55:11 12 and I both know that. So I object and it
10:55:14 13 misstates testimony.

10:55:16 14 MS. SPILLANE: Okay. Let me ask it
10:55:18 15 differently then.

10:55:19 16 BY MS. SPILLANE:

10:55:19 17 Q. Mr. Martelli, do you believe that you
10:55:22 18 received checks that would have -- that you would
10:55:25 19 have cashed through your personal bank account?

10:55:32 20 A. Yes.

10:55:35 21 Q. Okay. And did you do anything to try to
10:55:37 22 order copies of evidence of those canceled checks?

10:55:43 23 A. At the time, I spoke to the bank. And
10:55:50 24 they explained to me that without giving them exact
10:55:53 25 checks, it was going to cost like \$20 an hour for

10:55:56 1 them to research it or to find every check that was
10:56:01 2 given to me. At the time, I didn't have that --

10:56:08 3 Q. Okay. All right. So let me ask it
10:56:08 4 then.

10:56:11 5 So you believe that there are documents
10:56:12 6 under your control that do relate to our document
10:56:17 7 request?

10:56:17 8 MR. O'CONNOR: Objection. Misstates
10:56:18 9 evidence. Calls for a legal conclusion. As
10:56:20 10 we know, control is not defined as something
10:56:23 11 you order from a bank. Objection.

10:56:28 12 BY MS. SPILLANE:

10:56:28 13 Q. So did you order those checks interest
10:56:31 14 from the bank, Mr. Martelli?

10:56:32 15 A. No.

10:56:32 16 Q. Okay. All right. So you said you
10:56:39 17 looked -- I think your testimony was you looked
10:56:41 18 through your stuff, and then you mentioned bank
10:56:43 19 statements.

10:56:44 20 Did you find evidence in your bank
10:56:47 21 statements of payments that you had received from
10:56:50 22 any of the persons or entities listed in the
10:56:54 23 request number 1 on PDF page 6?

10:57:00 24 A. No.

10:57:05 25 Q. Okay. And other than bank statements,

10:58:19 1 A. Well, I just know I don't.

10:58:24 2 Q. Okay. And how are you sure that you
10:58:26 3 don't have any responsive documents on your
10:58:29 4 computer or on your phone?

10:58:33 5 A. Because I use my phone and my computer
10:58:36 6 mostly for personal stuff and because I know what's
10:58:38 7 on them.

10:58:41 8 Q. Okay. So what about paper files, did
10:58:46 9 you review any paper files besides bank statements?

10:58:51 10 A. No.

10:58:52 11 Q. Okay. And do you have any paper files
10:58:56 12 related to the individuals or entities listed in
10:58:59 13 request number 1 on PDF page 6 of Exhibit 229?

10:59:03 14 A. No.

10:59:05 15 Q. Okay. And did you at any time have any
10:59:12 16 paper documents related to those entities or
10:59:15 17 related to any of the requests in this subpoena?

10:59:22 18 A. As far as Ally Financial or Katherine
10:59:28 19 Gardiner Martelli, we had paperwork as far as the
10:59:33 20 truck payments being made and as far as her
10:59:35 21 personal stuff. But when we got divorced, she took
10:59:38 22 everything with her.

10:59:39 23 Q. Okay. So you would view all of those
10:59:41 24 items as personal items? I'm trying to understand.

10:59:48 25 A. Personal as far as like --

10:59:48 1 Q. Yes. I mean --

10:59:50 2 A. You have Ally Financial on here I see.

10:59:53 3 That was regarding the truck payments. You have my

10:59:57 4 ex-wife's name on here. I mean, I'm just saying we

11:00:03 5 had documents like old bank statements sitting

11:00:05 6 around or whatever in a file cabinet. But other

11:00:08 7 than that, I don't have anything that has to do

11:00:10 8 with Katherine Martelli, Ally Financial, Rebecca

11:00:15 9 Carranza, Gregory DelliSanti, any of them.

11:00:18 10 Q. Okay. And then the rest of the document

11:00:21 11 requests as well, which also concern, for example,

11:00:24 12 request number 7, which requests all communications

11:00:27 13 between you and a number of individuals and

11:00:31 14 entities, including Pristec AG, Pristec America and

11:00:35 15 Innovative Crude Technologies, Mr. Laura and

11:00:38 16 Mr. Sichenzio, et cetera?

11:00:39 17 A. Yes.

11:00:41 18 Q. Do you see that?

11:00:42 19 A. No, I have none of that.

11:00:44 20 Q. Okay. You don't have any communications

11:00:46 21 between you and any of those individuals or

11:00:47 22 entities?

11:00:48 23 A. Just talking on the phone with Joe

11:00:52 24 Laura, I mean. But other than that, I don't have

11:00:56 25 documents or anything else.

11:03:13 1 other.

11:03:17 2 BY MS. SPILLANE:

11:03:17 3 Q. You have personal texts and you're not
11:03:19 4 -- what is your testimony today? Is that that
11:03:21 5 you're not sure that you have any text messages
11:03:24 6 with Mr. Laura concerning business matters? Is
11:03:28 7 that your testimony?

11:03:29 8 A. My testimony is that I don't have any
11:03:33 9 documents or anything like that that have gone back
11:03:37 10 and forth between me and Joe Laura on my phone that
11:03:43 11 are communications --

11:03:43 12 Q. Okay.

11:03:46 13 A. Sorry, go ahead.

11:03:47 14 -- that are communications, personal,
11:03:52 15 unless it is like, "I need you to pick me up," "I
11:03:54 16 need you to be here at a certain time." Stuff like
11:03:57 17 that. I mean, that's it.

11:03:58 18 Q. Okay. And so when you say, "I need you
11:04:03 19 to be here at a certain time," or pick stuff up, is
11:04:05 20 that a communication related to Pristec AG, Pristec
11:04:09 21 America or Innovative Crude Technologies?

11:04:13 22 MR. O'CONNOR: I'm going to just object.
11:04:15 23 You have to remember your subpoena sought
11:04:18 24 records during a relevant period, so I want
11:04:19 25 that to be clear to the witness.

11:04:21 1 Do you understand that?

11:04:22 2 THE WITNESS: No, I don't.

11:04:23 3 MR. O'CONNOR: Look at paragraphs 9.

11:04:26 4 The relevant period is December 2017.

11:04:29 5 THE WITNESS: Oh, okay.

11:04:30 6 MR. O'CONNOR: So when she's asking you

11:04:31 7 if you have things, keep that in mind.

11:04:34 8 THE WITNESS: Okay. Then I have nothing

11:04:36 9 from that time. I don't keep my texts that

11:04:38 10 long. And I don't have documents on my phone

11:04:40 11 from that time for sure.

11:04:42 12 BY MS. SPILLANE:

11:04:43 13 Q. Okay. And how long have you had the

11:04:44 14 phone that you are currently using?

11:04:50 15 A. This specific phone or the phone number?

11:04:53 16 Q. Why don't you answer the specific phone

11:04:56 17 and then the phone number.

11:04:59 18 A. The specific phone, maybe a year. And

11:05:04 19 the phone number, pretty much since after I moved

11:05:09 20 here in 2011 maybe, beginning of 2011.

11:05:16 21 Q. Okay. And what about your computer?

11:05:19 22 You have a computer, right?

11:05:21 23 A. Yes. My computer is maybe three years

11:05:25 24 old.

11:05:28 25 Q. Okay. And what e-mail address do you

11:05:29 1 use, if you use one, for your communications with
11:05:34 2 Mr. Laura?

11:05:36 3 A. That would be martelli26@yahoo.com.

11:05:45 4 Same one --

11:05:47 5 Q. Okay. And how long have -- I'm sorry?

11:05:49 6 A. Yes. I've had that e-mail address since
11:05:51 7 I'm like 20 years old or something.

11:05:54 8 Q. Okay. And did you search that e-mail
11:05:57 9 address for -- that e-mail account for potentially
11:06:00 10 responsive documents?

11:06:02 11 A. You know, I did look at it, but I didn't
11:06:12 12 see anything in there during those time periods
11:06:18 13 that I could think of.

11:06:18 14 Q. Okay. So you did search that e-mail
11:06:20 15 account?

11:06:21 16 A. Yes. I actually, did go through there.

11:06:31 17 Q. Okay. All right. Let me just ask some
11:06:33 18 specific questions here. You mentioned Katherine
11:06:39 19 Martelli as your ex-wife, is that correct?

11:06:41 20 A. Yes.

11:06:41 21 Q. Okay. And when were the households
11:06:48 22 separated?

11:06:50 23 A. I think about three years ago.

11:06:59 24 Q. Okay. So is that 2018?

11:07:03 25 A. I'm not 100 percent sure, but I believe

11:07:06 1 it was like a month before Christmas. I think that
11:07:11 2 would be -- let's see -- yes, I think it might be
11:07:13 3 2018.

11:07:16 4 Q. So November of 2018?

11:07:19 5 A. Yes, but I'm not 100 percent. It could
11:07:22 6 have been 2017.

11:07:29 7 Q. Okay. And when were you married to
11:07:31 8 Ms. Martelli? When did you get married?

11:07:35 9 A. You know what? I don't even know the
11:07:38 10 year we got married.

11:07:39 11 Q. Okay. And you mentioned, I believe, in
11:07:43 12 your earlier testimony that there may have been
11:07:46 13 some documents related to her that would have been
11:07:50 14 otherwise responsive to the subpoena. That's my
11:07:55 15 paraphrase.

11:07:57 16 Do I have it basically correct?

11:08:00 17 A. Yes.

11:08:00 18 Q. Okay. And can you describe what those
11:08:06 19 documents are --

11:08:09 20 A. Yes.

11:08:10 21 Q. -- that you would have had or had?

11:08:12 22 A. Yes. The documents that she would have
11:08:15 23 had in her name would have been Ally Financial
11:08:18 24 documents or possibly the insurance on the truck as
11:08:27 25 well. So maybe like Liberty Mutual or -- I don't

11:08:31 1 remember exactly the insurance company, but...

11:08:39 2 Q. Okay. And why did she have those
11:08:42 3 documents?

11:08:42 4 A. When I first moved here, she did Joe
11:08:47 5 Laura a favor and helped him to get a truck for
11:08:53 6 transportation.

11:08:56 7 Q. Okay. And can you explain how that came
11:08:59 8 about?

11:09:03 9 A. Joe's credit wasn't good, so he couldn't
11:09:06 10 get the truck on his own. So my wife helped him to
11:09:10 11 get the truck, used her credit.

11:09:15 12 Q. Okay. And so then was the truck in her
11:09:18 13 name or his name -- or Mr. Laura's name?

11:09:21 14 A. In her name, I believe.

11:09:23 15 Q. Okay. But you viewed it as Mr. Laura's
11:09:29 16 truck, is that right?

11:09:32 17 A. Yes. He used the truck.

11:09:34 18 Q. Okay. And was it parked at Mr. Laura's
11:09:38 19 residence during the time it was in use?

11:09:44 20 A. Yes.

11:09:47 21 Q. Okay. And did Ms. -- I want to do this
11:09:50 22 correctly. How would you prefer that I refer to
11:09:53 23 her, Ms. Martelli?

11:09:56 24 A. Martelli is fine.

11:10:01 25 Q. Okay. Did Ms. Martelli have a different

11:10:03 1 car that she used?

11:10:04 2 A. Yes.

11:10:06 3 Q. Okay. And what about you, did you have
11:10:08 4 a different car?

11:10:10 5 A. The same car, me and my wife shared a
11:10:14 6 car.

11:10:17 7 Q. Okay. And during the time period
11:10:18 8 referred to in the subpoena, what car was that that
11:10:22 9 you and your wife used?

11:10:24 10 A. A Honda Accord.

11:10:27 11 Q. Okay. But the car then was in
11:10:34 12 Ms. Martelli's name, correct? I believe you may
11:10:38 13 have already testified to that, but I just want to
11:10:40 14 make sure I understand.

11:10:41 15 Is that right?

11:10:42 16 A. Yes. Yes. But I think Gardiner was the
11:10:45 17 name on it, though.

11:10:48 18 Q. Okay. And the loan was also in your
11:10:53 19 wife's name -- your ex-wife's name?

11:10:56 20 A. Yes.

11:11:03 21 Q. Okay. And when you say the truck, I
11:11:04 22 just want to make sure I know what we're talking
11:11:08 23 about. That was a Chevy Tahoe, is that right?

11:11:16 24 A. Yes.

11:11:17 25 Q. Okay. And what color was that car?

11:11:20 1 A. That was black.

11:11:26 2 Q. Okay. And do you see in request number
11:11:27 3 2 on PDF 6 of Exhibit 229 there's two VIN numbers
11:11:32 4 listed there? Do you happen to know which of those
11:11:34 5 two VIN numbers was attached to the black Chevy
11:11:42 6 Tahoe that was in your wife's name?

11:11:43 7 A. No.

11:11:48 8 Q. Okay. Where is that car now, do you
11:11:53 9 know?

11:11:53 10 A. I don't know where that car is.

11:11:56 11 Q. Okay. When is the last time you knew
11:11:57 12 where that car was?

11:11:58 13 MR. O'CONNOR: I'm going to object. I'm
11:12:00 14 not clear what you're talking about. The
11:12:02 15 truck or the car?

11:12:03 16 MS. SPILLANE: The black Chevy Tahoe.

11:12:06 17 MR. O'CONNOR: The truck.

11:12:07 18 A. The black Chevy Tahoe, actually -- you
11:12:10 19 know what? The last time -- we turned that in for
11:12:14 20 Joe, because it had been driven like 70,000 miles
11:12:21 21 in two years or something. We turned that in and
11:12:24 22 he got another Tahoe in my wife's name, a white
11:12:24 23 Tahoe.

11:12:30 24 BY MS. SPILLANE:

11:12:30 25 Q. Okay. So two Chevy Tahoes then. First,

11:12:33 1 a black one and then a white one, and these were
11:12:35 2 both in your wife's name, is that right?
11:12:40 3 A. Yes.
11:12:40 4 Q. But they were both Mr. Laura's trucks?
11:12:43 5 A. Yes.
11:12:46 6 Q. Okay. And both of them were parked at
11:12:48 7 his house --
11:12:51 8 A. Yes.
11:12:51 9 Q. -- while they were in use? Okay.
11:12:55 10 And then the car loan -- was there a car
11:12:59 11 loan associated with the white Chevy Tahoe also?
11:13:05 12 A. Yes.
11:13:05 13 Q. And do you know who the lender was?
11:13:13 14 A. I think it might have been Ally
11:13:19 15 Financial.
11:13:19 16 Q. But you're not sure?
11:13:21 17 A. Not 100 percent sure, but I think so.
11:13:23 18 Q. Okay. But you do know that the loan was
11:13:26 19 in your wife's name, is that right?
11:13:27 20 A. Yes.
11:13:34 21 Q. Okay. And do you know about when you
11:13:35 22 turned in the black Chevy Tahoe for Mr. Laura?
11:13:48 23 A. Maybe 2012.
11:13:57 24 Q. Okay. And so the white Chevy Tahoe, is
11:13:59 25 that -- does Mr. Laura still use that truck?

11:14:03 1 A. No.

11:14:07 2 Q. Okay. Do you know when the last time

11:14:10 3 Mr. Laura used that truck was?

11:14:15 4 A. No.

11:14:16 5 Q. Do you know what happened to that truck?

11:14:22 6 A. No.

11:14:23 7 Q. When is the last time you are aware of

11:14:27 8 Mr. Laura using that truck?

11:14:33 9 A. To be honest with you, I don't know. I

11:14:35 10 have no clue.

11:14:38 11 Q. Okay. All right. Did you ever drive

11:14:39 12 the black Chevy Tahoe?

11:14:41 13 A. Yes.

11:14:46 14 Q. Okay. What about your wife, did she

11:14:48 15 ever drive it?

11:14:48 16 A. No.

11:14:53 17 Q. Okay. What about the white Chevy Tahoe,

11:14:56 18 did you ever drive that truck?

11:14:58 19 A. Yes.

11:14:58 20 Q. And what about your wife, did she drive

11:15:03 21 it?

11:15:03 22 A. No.

11:15:03 23 Q. Okay. And the insurance on the white

11:15:09 24 Chevy Tahoe, was that also in your ex-wife's name?

11:15:13 25 A. Yes. She was on it.

11:15:18 1 Q. And was anyone else on it, as far as you
11:15:20 2 know?

11:15:22 3 A. I'm pretty sure I was on it because I
11:15:26 4 drove those trucks. I don't remember if Joe was on
11:15:29 5 it or not.

11:15:30 6 Q. You don't remember if Joe was on it did
11:15:32 7 you say?

11:15:32 8 A. No, I don't remember.

11:15:35 9 Q. Okay. But he was driving both of them
11:15:38 10 during the period that we --

11:15:42 11 A. Yes.

11:15:43 12 Q. -- specified in the subpoena, correct?

11:15:46 13 Okay. All right.

11:15:48 14 And I'll get into this some.

11:15:55 15 And you searched your records for
11:15:58 16 documents related to the insurance for those
11:16:00 17 vehicles as well as for the loan?

11:16:05 18 A. I wouldn't have that. I wouldn't have
11:16:10 19 that.

11:16:12 20 Q. Okay. And did you ever have that?

11:16:14 21 A. Well, when me and her were married and
11:16:21 22 we had our paperwork and stuff together, then yes.

11:16:24 23 Q. Okay. All right. So do you know if
11:16:25 24 there's still any amounts outstanding on the car
11:16:29 25 loans?

11:16:32 1 A. No. They were paid off.

11:16:36 2 Q. Okay. All right. And, sorry, you know
11:16:38 3 that they were paid off or you don't know?

11:16:41 4 A. I know they were, because they were in
11:16:43 5 my ex-wife's name.

11:16:48 6 Q. Okay. And do you know when they were
11:16:50 7 paid off?

11:16:50 8 A. No. Maybe five years. I'm sorry.

11:17:01 9 Q. Okay. And were the deeds ever -- was
11:17:02 10 the ownership documents -- were they ever moved out
11:17:06 11 of your wife's name into someone else's name, as
11:17:09 12 far as you know?

11:17:13 13 A. You know what? I'm pretty sure she
11:17:16 14 moved them into Joe's at some point. I'm not 100
11:17:20 15 percent positive, but I'm pretty sure she did.

11:17:23 16 Q. Okay. And what makes you pretty sure of
11:17:24 17 that?

11:17:26 18 A. Just because we never had the truck. I
11:17:29 19 mean -- so I'm pretty sure she would have done that
11:17:32 20 after he paid it off.

11:17:36 21 Q. After who paid it off?

11:17:37 22 A. Excuse me?

11:17:41 23 Q. You said after -- I think you said
11:17:42 24 "after he paid it off." I just wanted to know who
11:17:45 25 the "he" was that you were referring to?

11:17:47 1 A. Yes. Joseph Laura.

11:17:52 2 Q. Okay. So was Mr. Laura making the
11:17:55 3 payments on the car loans while it was in your
11:17:59 4 wife's name?

11:18:00 5 A. Yes.

11:18:04 6 Q. Okay. Were you involved at all in the
11:18:05 7 payments that were being made?

11:18:12 8 A. What do you mean by "involved"?

11:18:13 9 Q. Well, for example, were you ever getting
11:18:17 10 loan documents or your wife getting loan documents
11:18:20 11 that you were facilitating with Mr. Laura to ensure
11:18:23 12 that they got paid?

11:18:24 13 A. No. I mean, my wife would get the
11:18:30 14 statements from Ally, and then Joe would write a
11:18:33 15 check or however he did it with her to pay the car.

11:18:36 16 Q. Okay. And were you involved in that
11:18:38 17 process?

11:18:41 18 A. I mean, sometimes I would, yes, write
11:18:44 19 the checks out of her account or my account or
11:18:47 20 wherever. Other than that, not really.

11:18:52 21 Q. Okay. So were there some payments that
11:18:54 22 were coming from your account on the vehicles?

11:19:02 23 A. You know what? I'm not sure. Actually,
11:19:04 24 I don't think so. I think they probably all came
11:19:07 25 from her account or from his, whatever. I don't

11:19:16 1 remember.

11:19:16 2 Q. Okay. And did you and your wife have a
11:19:18 3 joint account while you were married that you would
11:19:20 4 have used for -- that she would have used for those
11:19:24 5 payments?

11:19:24 6 A. No.

11:19:24 7 Q. Okay. She had her own account, is that
11:19:29 8 right?

11:19:29 9 A. Yes.

11:19:36 10 Q. Okay. All right. And you indicated
11:19:42 11 that you -- in request number 1, that you are
11:19:46 12 familiar with other individuals referenced there,
11:19:49 13 Rebecca Carranza and Gregory DelliSanti.

11:19:54 14 Who do you know Ms. Carranza to be?

11:19:58 15 A. That's my mother -- ex-mother-in-law.

11:20:03 16 Q. Okay. And you searched documents
11:20:08 17 related to her that would have been responsive to
11:20:10 18 request number 1. You searched for those
11:20:15 19 documents, is that right?

11:20:15 20 A. Yes. I definitely have nothing from
11:20:17 21 her.

11:20:20 22 Q. Okay. And Mr. DelliSanti, who is he?

11:20:24 23 A. That's my landlord at 930 Mountain
11:20:29 24 Avenue.

11:20:30 25 Q. Okay. And are you aware of any payments

11:20:32 1 that were made to him for your benefit during the
11:20:36 2 relevant period?

11:20:41 3 A. I know when I first moved here that
11:20:47 4 Pristec helped me get into that place, because I
11:20:50 5 didn't have money to make the move. So I'm pretty
11:20:53 6 sure that there's a check written to him when we
11:20:55 7 first moved here. Other than that, nothing.

11:21:02 8 Q. Okay. But you don't have any -- you
11:21:05 9 don't have any documents related to that?

11:21:06 10 A. No.

11:21:07 11 Q. Okay. Do you have any documents related
11:21:08 12 to any other payments that were -- that may have
11:21:12 13 been made in connection with your move from
11:21:16 14 Missouri to New Jersey?

11:21:20 15 A. No. That's the only thing that I'm
11:21:23 16 pretty sure he paid.

11:21:26 17 Q. Okay. When you say "he," you mean
11:21:29 18 Mr. Laura?

11:21:29 19 A. Yes. Pristec.

11:21:33 20 Q. Okay. And how do you know whether the
11:21:39 21 payments were made by Mr. Laura or Pristec?

11:21:46 22 A. I'm not really sure. I don't know what
11:21:49 23 the check -- who the check was from, if it was from
11:21:52 24 Pristec or from Joe Laura. I'm not sure.

11:21:56 25 Q. Okay. All right. Let me ask it this

11:21:57 1 way then.

11:21:58 2 Did Mr. Laura ever represent to you that
11:22:00 3 he was making payments on your behalf from his
11:22:03 4 personal account?

11:22:06 5 A. No, he didn't.

11:22:07 6 Q. Okay. What about that he was making
11:22:11 7 payments on your behalf related to this move from
11:22:14 8 business accounts?

11:22:15 9 A. He didn't state anything. He just
11:22:20 10 helped me to get into the house. And he wrote a
11:22:23 11 check. I honestly don't know if that was a Pristec
11:22:26 12 check or a Joseph Laura check.

11:22:29 13 Q. Okay. Did you have any agreement with
11:22:32 14 him about -- any written agreement with Mr. Laura
11:22:37 15 about that move?

11:22:38 16 A. No.

11:22:38 17 Q. Okay. How did it come about that he
11:22:44 18 paid those expenses then for your move into that
11:22:46 19 home?

11:22:47 20 A. He knew -- I mean, I was moving out to
11:22:53 21 work with him. He knew I didn't have really any
11:22:55 22 money. So he was -- that was -- he just said, "If
11:23:00 23 you come out here, I'll help you with your moving
11:23:03 24 expenses if you can't make it out here otherwise."
11:23:06 25 And we couldn't, so... Not moving expenses, but

11:23:11 1 moving in. I guess that's it.

11:23:16 2 Q. Okay. What were you doing work-wise in
11:23:18 3 Missouri prior to moving to New Jersey?

11:23:21 4 A. Nothing. I was a stay-at-home dad.

11:23:29 5 Q. Okay. All right. I'll ask a couple of
11:23:33 6 other questions later, but let me see.

11:23:37 7 So with respect to request number 1, did
11:23:42 8 you search any of your other financial records
11:23:46 9 besides bank statements, like tax documents,
11:23:49 10 receipts, any other insurance documents, leases,
11:23:52 11 things of that nature?

11:23:58 12 A. I don't really have that many other
11:24:00 13 documents. Yes. I mean, I looked through what I
11:24:05 14 had.

11:24:05 15 Q. Okay. And do you have tax documents
11:24:07 16 that would be related to any payments made for your
11:24:10 17 benefit by any of those entities or individuals?

11:24:14 18 A. I don't have them personally, but
11:24:21 19 from -- yes. I don't have them personally.

11:24:22 20 Q. Okay. Does someone else have them?

11:24:28 21 A. 2011, I think, 2012. I tried to get
11:24:32 22 those documents from the accountant that did it for
11:24:36 23 me, but they said it was going too far back. They
11:24:40 24 didn't have them.

11:24:41 25 Q. Okay. And for the other time periods,

11:24:45 1 2012 through 2017, did you search for any tax
11:24:50 2 documents?

11:24:50 3 A. 2012 or 2013 through 2017, I just had to
11:24:57 4 file them all recently. So I just filed all those
11:25:01 5 back taxes.

11:25:07 6 Q. Okay. So there were no documents
11:25:08 7 related to tax filings prior to whenever you just
11:25:13 8 did the recent filing you're referring to in your
11:25:15 9 answer?

11:25:16 10 A. Yes. Prior to...

11:25:23 11 Q. Prior to when? I'm sorry?

11:25:25 12 A. I believe 2011, 2012, and then I just
11:25:29 13 filed 2013 moving forward.

11:25:35 14 Q. Okay. And when was that filing --

11:25:38 15 A. I'm waiting for a response.

11:25:38 16 Q. -- the recent one?

11:25:40 17 A. I just sent them out, yes.

11:25:43 18 Q. So you sent them out in 2021?

11:25:47 19 A. Yes.

11:25:48 20 Q. Okay. And do those tax filings made
11:25:54 21 reference to payments that you received or were
11:25:58 22 made for your benefit from the individuals or
11:26:03 23 entities listed in request number 1?

11:26:05 24 A. Yes.

11:26:09 25 Q. Okay. All right. But they were not

11:26:11 1 produced to us in response to the subpoena?

11:26:17 2 A. No. I just got them off.

11:26:17 3 Q. Is that correct?

11:26:19 4 A. Yes.

11:26:21 5 Q. Okay. All right. Let me just move on
11:26:27 6 through these requests.

11:26:29 7 Okay. So request number 4 -- request
11:26:36 8 numbers 3 and 4 related to any agreements you had
11:26:40 9 with Pristec or Innovative Crude Technologies or
11:26:44 10 any documents concerning services provided by you
11:26:46 11 to Pristec or Innovative.

11:26:49 12 Is it your testimony that you have no
11:26:51 13 documents that meet that criteria from the relevant
11:26:57 14 time period?

11:26:58 15 A. No.

11:27:02 16 Q. Okay. That's not your testimony or you
11:27:04 17 don't have any documents?

11:27:05 18 A. I don't have those documents.

11:27:11 19 Q. Okay. Were those documents -- was there
11:27:12 20 ever an employment agreement or any investment
11:27:15 21 agreement or debt instrument between you and
11:27:19 22 Pristec or Innovative Crude Technologies?

11:27:22 23 A. No. No agreement. Nothing on paper.

11:27:31 24 Q. Okay, And any documents concerning
11:27:34 25 services that you provided to Pristec or Innovative

11:27:39 1 Crude Technologies, you don't have any documents --
11:27:42 2 you never had any documents like that?

11:27:43 3 A. No.

11:27:45 4 Q. Okay. You never kept a record of any of
11:27:49 5 the services that you provided?

11:27:53 6 A. No. I mean, I know -- I knew what I had
11:27:55 7 provided at that time, and that was it.

11:28:00 8 Q. Okay. When you say you knew, you
11:28:05 9 just -- that's a reference to that you kept a
11:28:08 10 record in your head but created no documents? I
11:28:11 11 just want to make sure I understand your testimony.

11:28:13 12 A. Yes.

11:28:14 13 Q. Okay. So no time sheets, no calendars,
11:28:24 14 no diaries?

11:28:26 15 A. No.

11:28:27 16 Q. Nothing like that?

11:28:27 17 A. No. I didn't work by the hour really,
11:28:30 18 so...

11:28:31 19 Q. Okay. Did you keep a log of any of the
11:28:36 20 trips that you provided?

11:28:38 21 A. Trips that I provided?

11:28:42 22 Q. Well, a log of any of the services that
11:28:46 23 you provided?

11:28:49 24 A. No.

11:28:49 25 Q. Okay. All right. And I believe you

11:28:54 1 already testified that you believe there are text
11:29:01 2 messages between yourself and Mr. Laura, but you're
11:29:03 3 not sure whether they relate to the relevant time
11:29:06 4 period or to the services that you may have been
11:29:12 5 providing to Pristec or Innovative, is that right?

11:29:15 6 MR. O'CONNOR: Objection. Misstates
11:29:16 7 testimony.

11:29:17 8 You can answer. You can answer.

11:29:21 9 THE WITNESS: I can answer. Okay.

11:29:23 10 A. No, not from that time period.

11:29:25 11 BY MS. SPILLANE:

11:29:25 12 Q. Okay. You know that you don't have any
11:29:27 13 from that time period, is that -- I just want to
11:29:31 14 make sure.

11:29:31 15 A. Yes.

11:29:34 16 Q. Okay. Do you believe you would have had
11:29:36 17 text messages from that time period? You would
11:29:41 18 communicate with him by text, but just don't have
11:29:44 19 those records anymore, is that right?

11:29:45 20 A. Yes. We communicated by text.

11:29:53 21 Q. Okay. All right. So item number 6, do
11:29:59 22 any of these individuals listed owe you any debt
11:30:05 23 currently or did they ever owe you any debt?

11:30:11 24 A. No, not personally.

11:30:18 25 Q. All right. I believe we covered number

11:58:04 1 Q. Okay. He never mentioned -- Mr. Laura
11:58:08 2 never mentioned any of that to you?

11:58:09 3 A. No.

11:58:14 4 MS. SPILLANE: Okay. All right. I
11:58:15 5 think this is a good time for a break. So
11:58:21 6 we'll take ten minutes, if that's okay.
11:58:24 7 Let's go off the record, please.

11:58:26 8 MR. O'CONNOR: Okay. Sure. Yes.

11:58:26 9 THE VIDEOGRAPHER: And we're going off
11:58:28 10 the record at 11:58 a.m.

11:58:31 11 (Recess)

12:11:19 12 THE VIDEOGRAPHER: And we're back on the
12:21:46 13 record at 12:21 p.m.

12:21:49 14 BY MS. SPILLANE:

12:21:49 15 Q. Okay. Mr. Martelli, I understand during
12:21:55 16 the break that you did identify some relevant text
12:22:00 17 messages on your cell phone from the responsive
12:22:05 18 period and that you do intend to produce those
12:22:08 19 documents to the SEC.

12:22:11 20 Is that correct?

12:22:12 21 A. Yes.

12:22:12 22 Q. Okay. I wanted to ask you if you are an
12:22:20 23 investor in Pristec America.

12:22:23 24 A. No.

12:22:26 25 Q. Are you an investor in Innovative Crude

12:22:32 1 Technologies?

12:22:32 2 A. No.

12:22:34 3 Q. Are you an investor in Pristec AG?

12:22:37 4 A. No.

12:22:41 5 Q. Okay. Do you have any ownership
12:22:45 6 interest in any of those entities?

12:22:51 7 A. No.

12:22:52 8 Q. Were you ever asked to invest in any of
12:22:54 9 those entities?

12:22:58 10 A. No.

12:23:01 11 Q. Did Mr. Laura ever suggest to you that
12:23:06 12 you would at some point be provided with an equity
12:23:09 13 interest in any of those entities?

12:23:11 14 A. No.

12:23:13 15 Q. Have you ever invested in any other
12:23:22 16 project that Mr. Laura, Mr. Sichenzio or Mr. Gil de
12:23:27 17 Rubio were or are involved in?

12:23:28 18 A. No.

12:23:30 19 Q. Okay. Are you familiar with an entity
12:23:33 20 called 1530 Glenwood LLC?

12:23:37 21 A. No.

12:23:38 22 Q. Are you familiar with an entity called
12:23:42 23 Robbins Lane?

12:23:48 24 A. No.

12:23:48 25 Q. Are you familiar with an entity called

12:31:48 1 Q. Okay. And at some point, there were
12:31:52 2 discussions about you coming -- moving back to New
12:31:56 3 Jersey, is that right?

12:32:00 4 A. Yes. Later on. Not for -- we had been
12:32:03 5 talking for at least years before anything like
12:32:08 6 that happened.

12:32:11 7 Q. Okay. And how did it come about that
12:32:14 8 you started discussing moving back to New Jersey
12:32:16 9 with Mr. Laura?

12:32:19 10 A. Well, it came about actually when I got
12:32:21 11 married. So he came to my wedding because my
12:32:27 12 father wasn't there and everything. So he just
12:32:29 13 came to support me. And when he was there, he just
12:32:34 14 discussed this new company that he was involved
12:32:36 15 with, this great technology, and basically just
12:32:39 16 told me all the great things about it and said, you
12:32:44 17 know, "If you're interested, I'd be interested in
12:32:47 18 having you come out and help me with whatever." It
12:32:54 19 was -- we made the decision pretty quick, and then
12:32:56 20 we -- my wife said let's give it a shot. This is a
12:33:01 21 big opportunity. And we moved out not too long
12:33:08 22 after that. I just can't remember exactly -- well,
12:33:10 23 yes, around the end of 2010, so... yes.

12:33:15 24 Q. Okay. And you mentioned that Mr. Laura
12:33:20 25 was talking to you about a company that he was

12:33:22 1 involved with.

12:33:23 2 What did he mention to you, if you can
12:33:26 3 remember?

12:33:29 4 A. Honestly, I just remember him explaining
12:33:31 5 the technology to me and just him really believing
12:33:38 6 -- him really thinking that this thing was going to
12:33:41 7 hit it off big in this short period of time. I
12:33:43 8 just remember he was excited about it. He was
12:33:49 9 like, "This could be a big opportunity for you."
12:33:51 10 That's really what we talked about. And at the
12:33:53 11 time, like I said, I was -- I needed a new
12:33:55 12 opportunity, so I jumped on it.

12:34:02 13 Q. Okay. And did he mention anyone else
12:34:03 14 involved in the business --

12:34:06 15 A. No.

12:34:07 16 Q. -- at that time?

12:34:07 17 A. No.

12:34:08 18 Q. Okay. Did he mention what the
12:34:14 19 organization was called, anything like that?

12:34:18 20 A. To be honest with you, I could not tell
12:34:21 21 you the ins and outs of that conversation. I just
12:34:26 22 remember that he was excited. I remember specific
12:34:29 23 things, that we were by the pool side at a hotel.
12:34:32 24 I don't remember all of it. I just remember he was
12:34:34 25 so excited. I got excited. And I don't remember

12:34:39 1 specifics, though, like names or company names or
12:34:42 2 whatever, but I'm sure it was Pristec.

12:34:45 3 Q. Okay. Why are sure it was Pristec?

12:34:48 4 A. Because what other -- I mean, that's the
12:34:51 5 only company I know him to be involved in at that
12:35:00 6 time.

12:35:00 7 Q. Okay. And what did you understand
12:35:02 8 Mr. Laura's role to be with the company that he was
12:35:04 9 talking about at that time?

12:35:07 10 A. I didn't really understand a specific
12:35:09 11 role. He just said he was working with some
12:35:13 12 gentleman from Austria. I don't know. He didn't
12:35:17 13 specify a specific role.

12:35:21 14 Q. Okay. Did he tell you whether he had
12:35:22 15 invested in this company or that the --

12:35:26 16 A. No.

12:35:26 17 Q. Okay. Did he tell you whether he had
12:35:30 18 any kind of ownership interest?

12:35:33 19 A. You know, you're -- I don't remember
12:35:35 20 these things. So if I -- if there's something --
12:35:40 21 when you're asking, if there's something specific I
12:35:40 22 remember, I'll just tell you, but I don't remember
12:35:42 23 that.

12:35:48 24 Q. Okay. And you described a sort of idea
12:35:50 25 that there would be an opportunity for you. What

12:35:57 1 initially when you were still in Missouri did you
12:35:59 2 discuss? Did Mr. Laura describe what that
12:36:03 3 opportunity would be for you?

12:36:04 4 A. He basically just said, you know, once
12:36:11 5 this technology gets off the ground and starts
12:36:15 6 making big money, that I'd be able to have a good
12:36:18 7 place with the company and that I'd be making a lot
12:36:20 8 of money. That was enough for me to, you know --
12:36:24 9 between that and my trust for him and love for him
12:36:26 10 as an individual, I was like, "Let's do this,
12:36:30 11 babe." She was for it, so we did it.

12:36:37 12 Q. And what did you understand from your
12:36:38 13 conversation with Mr. Laura that you would be doing
12:36:40 14 for the company?

12:36:44 15 A. He really told me he just needed help.
12:36:46 16 He needed help. Basically told me with whatever it
12:36:50 17 was that he needed help with, that I'd be willing
12:36:52 18 to help him. And I said yes.

12:36:59 19 Q. Okay. Did he give any description of
12:37:00 20 what it is that he would need help with?

12:37:03 21 A. Not in particular. I mean, driving him
12:37:07 22 around. I mean, that's driving -- yes, that's
12:37:13 23 really what he said, driving him around, helping
12:37:15 24 him if he needed help with paperwork or doing stuff
12:37:18 25 on the computer or -- basically, just like an

12:37:22 1 assistant, basically.

12:37:30 2 Q. Okay. And did you discuss compensation
12:37:33 3 arrangements at that time?

12:37:34 4 A. I'm sure -- I don't remember at that
12:37:38 5 time, but I'm sure we did at some point, because I
12:37:41 6 would have wanted to know what I was making before
12:37:43 7 I came out here.

12:37:45 8 Q. Okay. And about how long before you --
12:37:51 9 was there in between when Mr. Laura made this
12:37:53 10 proposal to you and when you actually moved out to
12:37:56 11 New Jersey?

12:37:57 12 A. I felt like it happened within one year,
12:38:00 13 because I tried to put my house up for sale and I
12:38:05 14 remember we stayed as long as we could. But at
12:38:07 15 some point, you know -- I don't remember. Maybe a
12:38:13 16 year after I spoke to him or maybe between eight
12:38:15 17 months and a year.

12:38:20 18 Q. Okay. And do you know if there were
12:38:22 19 other candidates for the position that Mr. Laura
12:38:27 20 had?

12:38:27 21 A. No, I didn't know that.

12:38:30 22 Q. No. I'm just asking if you knew if
12:38:35 23 there were --

12:38:35 24 A. No, I don't know.

12:38:39 25 Q. -- other candidates. Okay.

12:38:42 1 Did you ever see like a written job

12:38:44 2 description?

12:38:45 3 A. No.

12:38:48 4 Q. Okay. So in between the time you first
12:38:50 5 began talk with Mr. Laura about helping him out and
12:38:57 6 when you actually moved out, was there someone else
12:39:01 7 providing the services for Mr. Laura?

12:39:04 8 A. I don't know. I have no idea. Probably
12:39:07 9 not, but I don't know.

12:39:11 10 Q. Okay. All right. Did Mr. Laura suggest
12:39:15 11 that you needed any kind of training or any sort of
12:39:22 12 educational background or supplementing before you
12:39:24 13 would come to work for him?

12:39:25 14 A. No.

12:39:25 15 Q. Okay. Let's see. And did Mr. Lawyer
12:39:38 16 suggest that you would also be providing services
12:39:40 17 to anyone else who was associated with the company?

12:39:46 18 A. No.

12:39:47 19 Q. Okay. What about Mr. Sichenzio, did you
12:39:53 20 ever have any conversations with him before you --

12:39:55 21 A. No.

12:39:55 22 Q. -- moved back to New Jersey or moved out
12:39:59 23 to New Jersey?

12:39:59 24 A. Never.

12:40:00 25 Q. Okay. What about Walter Gil de Rubio?

12:46:18 1 Q. Okay. And you were not taking direction
12:46:20 2 from anyone else related to the company, is that
12:46:23 3 right?

12:46:23 4 A. No. No.

12:46:30 5 Q. Okay. I'm sorry. You were not taking
12:46:32 6 directions from anyone else, correct?

12:46:34 7 A. No, I wasn't. Yes.

12:46:35 8 Q. Okay. Sorry. That was a bad question
12:46:40 9 on my part.

12:46:42 10 Okay. And so why don't you just
12:46:44 11 describe generally what responsibilities you had in
12:46:48 12 2010, when you moved to New Jersey?

12:46:51 13 A. Really, in 2010, I was like -- I didn't
12:47:02 14 do much. In 2011, the beginning of 2011, we would
12:47:05 15 be driving. I mean, the main thing I did honestly
12:47:08 16 was a lot of driving. Constantly driving. Driving
12:47:12 17 out of state. Driving everywhere. And then just
12:47:17 18 basically anything that -- if Joe said, "Hey,
12:47:20 19 listen, I need 400 copies of this," I'd run to
12:47:24 20 Staples for him. Just basic assistant stuff.

12:47:30 21 Q. Sure.

12:47:31 22 A. And like I said, he doesn't know his way
12:47:34 23 around PowerPoint and all that, so I would help him
12:47:39 24 with that. Basically, I was a -- I want to say I
12:47:42 25 was a driver even though I did a lot of other

12:47:44 1 things, but just little stuff.

12:47:46 2 Q. Okay. So you were mainly a driver, is
12:47:49 3 that right?

12:47:49 4 A. Yes, mainly. But I have helped Joe on
12:47:52 5 different occasions with different stuff, but...

12:47:55 6 Q. Sure.

12:47:56 7 Well, let' say -- so in 2010, it sounds
12:47:59 8 like -- I don't want to mischaracterize your
12:48:01 9 testimony, but I think you said you didn't do much
12:48:04 10 in 2010.

12:48:05 11 Is that right?

12:48:05 12 A. Well, I don't think I got here until
12:48:09 13 like -- I want to say the end of October, so maybe
12:48:11 14 for the first two months. I don't remember that
12:48:15 15 far back as to exactly what I was doing, but I
12:48:17 16 actually -- we were -- actually, it was like I
12:48:21 17 was -- I'm sorry. It was like I was -- when I
12:48:22 18 first got here, I was going like -- it felt like I
12:48:25 19 was going seven days a week with this guy, driving
12:48:28 20 from this meeting to that meeting to -- everywhere.
12:48:32 21 I mean, it seemed like -- at first, I was like,
12:48:34 22 man, this is crazy. So I guess I was working the
12:48:41 23 end of 2010.

12:48:46 24 Q. Okay. And about -- and that was mainly
12:48:48 25 driving?

12:48:49 1 A. Yes, mainly driving. I mean, like I
12:48:55 2 said, yes, mainly driving. Helping him with, like
12:48:59 3 I said, doing PowerPoint, doing charts graphs,
12:49:08 4 whatever. But that's it, yes.

12:49:09 5 Q. Okay. And did you have an understanding
12:49:10 6 of what the purpose of what you were -- the charts
12:49:12 7 and graphs that you were doing, what the purpose of
12:49:14 8 them was?

12:49:16 9 A. Not in particular. Joe might just say,
12:49:19 10 "Hey, can you straighten this out or do this for
12:49:22 11 me?" I was just basically data entry is basically
12:49:25 12 what you would call it.

12:49:29 13 Q. Okay. And did you have a computer for
12:49:33 14 your use --

12:49:33 15 A. No.

12:49:34 16 Q. -- in your apartment or -- no?

12:49:36 17 A. Not for -- not to work with Joe. When
12:49:38 18 I'd go over, I'd have to use his stuff.

12:49:43 19 Q. Okay. Go over -- and where did this
12:49:45 20 stake take place?

12:49:46 21 A. Usually, it took place in his office at
12:49:49 22 his home.

12:49:51 23 Q. Wherever Joe was living at the time?

12:49:53 24 A. Yes.

12:50:01 25 Q. Okay. So you didn't have a computer

12:50:02 1 that was for your use for business stuff wherever
12:50:05 2 you were?

12:50:06 3 A. No.

12:50:07 4 Q. Is that right?

12:50:07 5 A. No, I didn't.

12:50:08 6 Q. Okay. And there was no Pristec office?

12:50:14 7 A. No.

12:50:15 8 MR. O'CONNOR: Objection.

12:50:17 9 Go ahead. You can answer.

12:50:19 10 Misstates testimony.

12:50:20 11 You can answer.

12:50:24 12 A. No Pristec office.

12:50:29 13 BY MS. SPILLANE:

12:50:29 14 Q. And the computer that you used, was that
12:50:32 15 Mr. Laura's computer?

12:50:33 16 A. Yes.

12:50:38 17 Q. Okay. So let's just take it sort of
12:50:41 18 year by year, but let's say in 2011, what
12:50:45 19 proportion of your work was driving and what
12:50:48 20 proportion was other assistant work?

12:50:51 21 A. 80 percent driving, 20 percent other
12:50:58 22 stuff.

12:51:00 23 Q. Okay. And so when you were driving -- I
12:51:05 24 think you testified earlier you didn't -- there was
12:51:07 25 no like time sheet or log or any calendar that

12:51:10 1 tracked any of those trips, is that right?

12:51:12 2 A. No.

12:51:15 3 Q. Okay. And where -- you said you would
12:51:22 4 go in different states. What different states did
12:51:25 5 you take trips to?

12:51:26 6 A. Everywhere. I've been to Connecticut,
12:51:30 7 Maryland. I've been anywhere -- anywhere -- I
12:51:37 8 don't want to say anywhere on the East Coast, but
12:51:40 9 we were travelling like all over. I mean, most of
12:51:43 10 the meetings were like New York City or local, but
12:51:46 11 it just seemed like we were driving everywhere all
12:51:49 12 the time, meeting with people all the time, or he
12:51:52 13 was meeting with people all the time. Honestly, it
12:51:55 14 seemed like it was just nonstop.

12:52:03 15 Q. Okay. And so you generally made trips
12:52:10 16 driving, correct?

12:52:11 17 A. I'm sorry, what?

12:52:11 18 Q. These are trips that you took for
12:52:14 19 Mr. Laura driving, is that right?

12:52:16 20 A. Yes.

12:52:18 21 Q. Okay. I just am confirming, did you go
12:52:21 22 with him on any trips that required a flight on an
12:52:26 23 airplane?

12:52:28 24 A. Yes. Actually, I've been with him twice
12:52:32 25 to Austria in Europe.

12:52:35 1 Q. And when was that?

12:52:36 2 A. The beginning of -- like when I first
12:52:41 3 got here, maybe the beginning of 2011 or the very
12:52:45 4 end of 2008, and then once again -- I feel like not
12:52:49 5 that long later. Maybe six months later or
12:52:53 6 something. I'm not sure of the exact dates.

12:52:56 7 Q. I think you may have said 2008, did you
12:52:59 8 mean -- end of 2008. Did you mean the end of 2010?

12:53:02 9 A. Yes, definitely not 2008. End of 2010
12:53:07 10 or beginning of 2011, around then.

12:53:13 11 Q. Okay. But you didn't accompany
12:53:15 12 Mr. Laura on trips outside of the East Coast
12:53:18 13 outside of driving distance, is that right?

12:53:24 14 A. Only the two trips to Austria. Other
12:53:27 15 than that --

12:53:27 16 Q. Right. Setting those aside.

12:53:32 17 A. No.

12:53:37 18 Q. Okay. And what was the -- let's start
12:53:40 19 with the first trip to Austria.

12:53:41 20 What was the purpose of that trip, as
12:53:43 21 far as you know?

12:53:44 22 A. I'm not sure exactly what Joe was doing
12:53:48 23 there. He said that it was important. He wanted
12:53:50 24 to introduce me to Rudy and to Miguel and basically
12:53:56 25 just so I could see around the facility and

12:53:58 1 whatever else. I think he really wanted them to
12:54:00 2 meet me, because he said I was going to be work
12:54:04 3 with the company for years to come. So that was
12:54:12 4 the purpose of going.

12:54:13 5 Q. Okay. And did you have any direct
12:54:14 6 communications with any of those individuals?

12:54:16 7 A. Sure. With Rudy and Miguel.

12:54:21 8 Q. During what time period?

12:54:25 9 A. It would be the same time -- just at
12:54:29 10 that time, just while I was there on the trip. I
12:54:31 11 didn't speak to them after that.

12:54:36 12 Q. Okay. At any appointment after that,
12:54:38 13 you didn't speak with them? Just while you were
12:54:42 14 there on the trip?

12:54:43 15 MR. O'CONNOR: You're talking about for
12:54:45 16 Pristec matters?

12:54:47 17 MS. SPILLANE: Correct.

12:54:48 18 MR. O'CONNOR: Okay.

12:54:48 19 A. I may have seen them or talked to them a
12:54:53 20 couple of times after that, but not on the phone or
12:54:55 21 anything like that.

12:54:58 22 BY MS. SPILLANE:

12:54:58 23 Q. Okay. What about by e-mail or by text?

12:55:02 24 A. No, not at all.

12:55:03 25 Q. Okay. So Mr. Laura said he wanted you

12:55:10 1 to meet those individuals, but then did you
12:55:12 2 actually do anything with them or for them in the
12:55:18 3 years thereafter?

12:55:20 4 A. Oh, no. Not specifically for them.

12:55:25 5 Q. Okay. All right. So let's just try to
12:55:33 6 get a general proportion. I think you said in
12:55:36 7 2011, it was 80 percent driving, 20 percent other
12:55:39 8 stuff.

12:55:39 9 What about in the years following, did
12:55:42 10 that change?

12:55:44 11 A. You know what? Mostly driving a lot. A
12:55:50 12 lot. Just year after year after year.

12:55:53 13 Q. So, again, a percentage that you
12:55:57 14 could --

12:55:57 15 A. A percentage, I would say 80/20, 80/20.
12:56:02 16 Towards the end, I wasn't getting paid properly, so
12:56:04 17 I was doing a lot less work for him, because he
12:56:07 18 wasn't paying me what he told me he was going to
12:56:09 19 pay me in the beginning. So he had me doing a lot
12:56:13 20 less work because I was getting paid a lot less.

12:56:18 21 Q. Okay. And when did it -- when did you
12:56:20 22 start to notice that you were getting paid a lot
12:56:23 23 less than Mr. Laura had told you he would pay you?

12:56:28 24 A. Basically like the first year was great.
12:56:30 25 I was like this is great. The second year, about

12:56:32 1 halfway through the second year or whenever -- this
12:56:35 2 is not exact month. I don't know months, but
12:56:37 3 basically that second year, it started to fall off.
12:56:41 4 And he started telling me like we don't have as
12:56:44 5 much money. And basically my work started to -- I
12:56:49 6 didn't do as much work. But yes, he was still
12:56:52 7 calling me, do this, do that, taking him all over
12:56:56 8 the place, but it was a little messed up. I was in
12:56:58 9 a bad spot then.

12:57:00 10 Q. Okay. It's my understanding at some
12:57:06 11 point -- well, let me ask it this way.

12:57:08 12 When I asked you whether there was any
12:57:10 13 written employment agreement, you said there was
12:57:12 14 nothing written.

12:57:14 15 Did you have some kind of spoken
12:57:17 16 agreement with Mr. Laura as to what your job would
12:57:20 17 be and how much you would be compensated?

12:57:23 18 A. Basically, he told me in the beginning.
12:57:25 19 He was like, "I'm going to give you five grand a
12:57:28 20 month before taxes." And that's -- but that didn't
12:57:35 21 last until -- that lasted like the first year, and
12:57:38 22 then it was -- from my recollection, it was just
12:57:41 23 sporadic and a lot less than that after that and to
12:57:47 24 the point where it got pretty bad. I was like
12:57:49 25 struggling.

12:57:50 1 Q. Okay. And were you formally an employee
12:57:58 2 at any point during those years, 2010 to 2017?

12:58:04 3 A. Was I formally an employee?

12:58:08 4 Q. Formally.

12:58:10 5 A. Oh, formally an employee. Yes. For the
12:58:15 6 first year or so, I was considered an employee.

12:58:18 7 Then after that, it was like, okay, now you're --

12:58:22 8 you're going to be 1099 or whatever. You're going

12:58:25 9 to be still working for the company, but you're not

12:58:28 10 going to be on the pay -- like a W-2'd employee.

12:58:37 11 Q. So you were W-2'd or the first how many
12:58:41 12 years?

12:58:41 13 A. I think the first year or two. And then
12:58:43 14 after that, ever since then, like 2013 or '14, it's
12:58:50 15 just been just 1099 or whatever, you know.

12:58:55 16 Q. Okay. And so then for the first two
12:59:00 17 years, did you receive any benefits?

12:59:04 18 A. Like health care?

12:59:06 19 Q. Like health care.

12:59:08 20 A. No.

12:59:15 21 Q. Okay. Any sort of compensation in kind
12:59:18 22 other than paychecks that you received?

12:59:21 23 A. No. Nothing.

12:59:24 24 Q. Any like sort of equity promises, like I
12:59:27 25 know I couldn't pay you X, but you'll get some kind

12:59:32 1 of interest in any kind of business entity,

12:59:35 2 anything like that?

12:59:38 3 A. Nothing. I probably should have, but
12:59:42 4 no, nothing.

12:59:44 5 Q. Okay. And then so -- I just want to
12:59:47 6 understand. So you were being paid less after the
12:59:49 7 first couple of years when you were no longer an
12:59:52 8 employee.

12:59:54 9 How many hours about you were working a
13:00:01 10 week, did that change?

13:00:02 11 A. Yes. Up until the third year, it
13:00:07 12 changed. I wasn't working as much. Because before
13:00:09 13 that, I was working like seven days a week it felt
13:00:12 14 like, to the point where I was like, man, this is
13:00:16 15 too much. But then, once my pay started dropping,
13:00:20 16 then it was reasonable work hours at that point.
13:00:22 17 It was like still working, still driving a lot and
13:00:26 18 whatever, but it was not like all weekend. It
13:00:29 19 wasn't just like all the time.

13:00:33 20 Q. Okay. Can you give an estimate about
13:00:36 21 how many hours per week you were working in the
13:00:39 22 first -- let's say in 2011, 2012?

13:00:42 23 A. Oh, my God. How many hours? How many
13:00:46 24 hours are in the week? I would say on average, 12
13:00:49 25 hours a day running around.

13:00:54 1 Q. Seven days a week?

13:00:58 2 A. Six days a week, I would say, on

13:01:00 3 average.

13:01:03 4 Q. Okay. And then in 2013, 2014, 2015,
13:01:08 5 2016, 2017?

13:01:10 6 A. I mean, four or five days a week. More
13:01:18 7 -- on average, maybe eight hours a day, nine hours
13:01:21 8 a day. I feel like I worked so many hours that --
13:01:29 9 I've worked a lot for this company.

13:01:34 10 Q. Okay. Let's see. And at any point, was
13:01:36 11 there any kind of written agreement for the work
13:01:38 12 that you would be doing?

13:01:40 13 A. No.

13:01:46 14 Q. Okay. And when you switched from being
13:01:48 15 an employee to a 1099, was there any -- other than
13:01:54 16 the reduced hours, was there any change in the type
13:01:57 17 of work that you were doing?

13:02:01 18 A. No. Same thing, just not as much of it.

13:02:05 19 Q. Okay. And were you working any other
13:02:08 20 jobs at the time?

13:02:09 21 A. No.

13:02:11 22 Q. Okay. So between 2010 and 2017, you
13:02:15 23 were just working for Mr. Laura?

13:02:17 24 A. Yes.

13:02:24 25 Q. Okay. And let's see. When did you stop

13:02:28 1 working for Mr. Laura, if in fact you have stopped?

13:02:32 2 MR. O'CONNOR: For Pristec you're
13:02:33 3 talking about?

13:02:37 4 MS. SPILLANE: Well, let me ask.

13:02:38 5 BY MS. SPILLANE:

13:02:39 6 Q. Have you been continuously working at
13:02:42 7 Mr. Laura's direction since 2010?

13:02:45 8 MR. O'CONNOR: You're not to disclose
13:02:48 9 your work for NVT. You can answer as it
13:02:50 10 relates to Pristec.

13:02:51 11 A. Yes. As it relates to Pristec, I worked
13:02:53 12 with him all the way until around 2018.

13:02:59 13 BY MS. SPILLANE:

13:02:59 14 Q. Okay. And when in 2018 did you stop
13:03:03 15 doing work for Mr. Laura related to Pristec?

13:03:07 16 A. I'm not even sure of the exact date.
13:03:09 17 I'm trying to think. Honestly, I'm not positive.
13:03:17 18 I don't want to give you a false answer.

13:03:23 19 Q. And when were you last paid by Pristec
13:03:25 20 for work related to Pristec or Innovative Crude
13:03:32 21 Technologies?

13:03:32 22 A. In 2018. I'm not sure of the exact
13:03:35 23 date, but definitely in 2018.

13:03:47 24 Q. Okay.

13:03:47 25 MS. SPILLANE: Kevin, how are you on

13:03:49 1 time? Do you have your lunch on its way
13:03:51 2 or --

13:03:52 3 MR. O'CONNOR: No. We're going to run
13:03:53 4 out, and then I'm going to make those copies
13:03:55 5 of the texts. So I think we need to take a
13:04:00 6 full hour, because I need 10 to 15 minutes to
13:04:03 7 do the texts. Okay?

13:04:05 8 MS. SPILLANE: Okay. All right. So
13:04:07 9 just give me another couple of minutes, and
13:04:09 10 then we'll take a break in a few minutes.

13:04:11 11 BY MS. SPILLANE:

13:04:11 12 Q. All right. So I just want to make sure
13:04:16 13 I understand how the driving responsibilities
13:04:17 14 worked. I think you testified earlier that the car
13:04:21 15 -- the truck that you drove was parked at
13:04:26 16 Mr. Laura's residence.

13:04:28 17 Is that right?

13:04:28 18 A. Yes.

13:04:33 19 Q. Okay. And how is it that -- what was
13:04:35 20 your working process? How did you know when he
13:04:41 21 needed you to drive?

13:04:43 22 A. I was on call like all the time. Joe
13:04:45 23 would just call and say, "Hey, this is what we're
13:04:49 24 doing," or he would call the night before, "Hey,
13:04:52 25 we're leaving at this time. Be ready," and then he

13:04:55 1 would come. We lived like five minutes from each
13:04:58 2 other, so he would just come right over and we'd
13:05:00 3 go.

13:05:01 4 Q. Okay. He would come and pick you up, is
13:05:03 5 that right?

13:05:03 6 A. Yes.

13:05:03 7 Q. Okay. And then can you just state --
13:05:09 8 which states do you recall having driven to with
13:05:15 9 Mr. Laura for Pristec work?

13:05:17 10 A. Well, New Jersey, New York, Maryland.
13:05:26 11 We were down in D.C. several times. Connecticut,
13:05:33 12 Pennsylvania. We were in more places than that. I
13:05:39 13 just can't think of all of them, you know.

13:05:42 14 Q. Okay. And did you ever drive Mr. Laura
13:05:44 15 for personal reasons?

13:05:47 16 A. No.

13:05:48 17 Q. Did you ever drive his family members?

13:05:51 18 A. No.

13:05:52 19 Q. Okay. Let's see. It's my understanding
13:06:05 20 that Mr. Laura sometimes traveled outside of areas
13:06:09 21 where he could -- where you could drive him, is
13:06:12 22 that right?

13:06:12 23 A. Yes.

13:06:16 24 Q. Okay. And other than the two trips to
13:06:19 25 Austria you mentioned, you did not accompany him on

13:06:22 1 those trips, is that right?

13:06:22 2 A. Yes, that is right.

13:06:28 3 Q. Okay. And what was your -- what would
13:06:31 4 you be doing when Mr. Laura was on trips outside of
13:06:36 5 your driving area, whether it was outside of the
13:06:38 6 country or other states?

13:06:41 7 A. Whatever he needed. If he needed help
13:06:43 8 with something back here -- most of the time, when
13:06:49 9 he would go somewhere, that would be like my chance
13:06:50 10 to have some time off. But there were many times
13:06:53 11 where I had to do different things. Same stuff,
13:06:55 12 though. I was always doing the same thing,
13:06:59 13 driving, doing some computer work. But if he
13:07:02 14 wasn't there, I didn't have access to his computer,
13:07:05 15 so really I didn't do that while he was gone. It
13:07:08 16 was basically like my few days off when I did take
13:07:13 17 -- I loved those times.

13:07:16 18 Q. I'm sure.

13:07:18 19 And what about the truck, when Mr. Laura
13:07:24 20 was out of town?

13:07:26 21 A. It stayed at his house.

13:07:31 22 Q. Okay. And let's see. Did Mr. Laura
13:07:40 23 have his own car in addition to -- a second car in
13:07:47 24 addition to the trucks that were in your wife's
13:07:50 25 name?

13:07:51 1 A. No. That was his main -- that was his
13:07:56 2 main mode of transportation.

13:07:58 3 Q. Okay. So when he was using it for --
13:08:04 4 when he was using the car for non-business
13:08:06 5 purposes, you didn't drive him? He drove himself?

13:08:09 6 A. Oh, yes. Yes.

13:08:11 7 Q. Okay. Let's see. Were there times
13:08:18 8 during the workweek when Mr. Laura told you, hey, I
13:08:23 9 don't need you today because I'm doing work for
13:08:26 10 some other business entity or something that wasn't
13:08:29 11 related to Pristec?

13:08:30 12 A. No. He didn't discuss those type of
13:08:36 13 things with me. I mean, there were times when he
13:08:39 14 was doing work I would imagine for Pristec and he
13:08:41 15 didn't need me because there was nothing I could do
13:08:43 16 to help him at that moment. But I don't know about
13:08:45 17 other -- working for other stuff. I don't know
13:08:48 18 anything about that.

13:08:49 19 Q. Okay. Well, were you aware that
13:08:56 20 Mr. Laura was an attorney during some of this time
13:09:00 21 period?

13:09:01 22 A. I didn't know. I didn't know he was an
13:09:03 23 attorney. He told me he was an attorney in the
13:09:06 24 past. I didn't know he was an attorney any time
13:09:09 25 recently.

13:09:10 1 Q. Okay. And are you aware of whether he
13:09:13 2 did any work related to his position as an attorney
13:09:17 3 during the time period when you were working for
13:09:20 4 him?

13:09:20 5 A. No. Not that I'm aware of.

13:09:24 6 Q. Okay. So you can't -- were there any
13:09:30 7 instances where he said, you know, I have to go
13:09:32 8 help with a mediation for my other business and so
13:09:37 9 I don't need you tomorrow, or anything like that?

13:09:39 10 A. No. No. He didn't really explain -- he
13:09:43 11 didn't explain too much to me. If he said, "I have
13:09:44 12 to go do something else," I was like, thank you,
13:09:50 13 good luck.

13:09:50 14 Q. Okay. Did he explain to you the purpose
13:09:53 15 of whatever -- when he would say come tomorrow, we
13:09:58 16 need to drive here, did he explain to you what the
13:10:00 17 purpose was in every instance?

13:10:04 18 A. No. No, not at all. Not in every
13:10:08 19 instance. I mean, he'd say this is where we need
13:10:11 20 to go. Okay. I didn't ask questions. I'd get in
13:10:13 21 the car and go drive him. I'm sure there are times
13:10:16 22 where he said, oh, yes, we're going to see this
13:10:17 23 person for whatever. But I wouldn't remember
13:10:19 24 specific stuff because it was just like, "Hey, pick
13:10:22 25 you up at 6:00 in the morning. We probably won't

13:10:26 1 be home until 10:00. You ready to go?" "Yes, I'm
13:10:31 2 ready."

13:10:32 3 Q. Okay. And so were there times when he
13:10:34 4 would just tell you where you're going but not
13:10:39 5 specifically what the purpose was of where you were
13:10:40 6 going?

13:10:41 7 A. A lot of the time.

13:10:49 8 MS. SPILLANE: Okay. All right. I
13:10:50 9 think this is a good time for us to take a
13:10:52 10 break, so we'll go off the record. Kevin, I
13:10:56 11 think you said you need an hour?

13:10:56 12 MR. O'CONNOR: Yes. We'll be back at
13:11:09 13 2:10, looks like 2:11 or so. And in the
14 meantime, we'll eat something, and I'll try
15 to get you those texts. Okay?

16 MS. SPILLANE: Okay.

17 MR. O'CONNOR: I'm not going to tell you
18 that they're too exciting, but I'll get them
19 to you. All right.

20 MS. SPILLANE: Okay. Thank you. I
13:11:11 21 appreciate it.

13:11:30 22 THE VIDEOGRAPHER: And we're going off
13:11:31 23 the record at 1:11 p.m.

13:13:14 24 (Lunch recess: 1:11 p.m.)

25

13:13:14 1 AFTERNOON SESSION

14:11:30 2 2:12 p.m.

14:11:30 3 THE VIDEOGRAPHER: And we're back on the
14:12:19 4 record at 2:12 p.m.

14:12:21 5
14:12:21 6 EXAMINATION CONTINUED

14:12:21 7 BY MS. SPILLANE:

14:12:22 8
14:12:24 9 Q. Mr. Martelli, before we went on the
14:12:29 10 lunch break, we had talked a little bit about your
14:12:35 11 duties as a driver for Mr. Laura. And in
14:12:40 12 particular, you mentioned that when there were
14:12:44 13 meetings with Anthony Posio, that you would often
14:12:50 14 leave and just go someplace else.

14:12:52 15 Do you remember that?

14:12:53 16 A. Yes.

14:12:59 17 Q. Okay. And you also said generally that
14:13:01 18 you would drive Mr. Laura to meetings and sometimes
14:13:10 19 would not be participating in them?

14:13:14 20 A. Yes.

14:13:14 21 Q. Is that correct?

14:13:15 22 A. Yes.

14:13:15 23 Q. Okay. So I wanted to ask, as a general
14:13:18 24 matter, if you were driving Mr. Laura to meetings
14:13:25 25 let's say in Manhattan, what were the logistics of

14:13:30 1 how that would work once you arrived at the
14:13:34 2 location where Mr. Laura had instructed you to
14:13:36 3 drive?

14:13:39 4 A. Most of the time, just trying to find a
14:13:42 5 place to park, waiting outside for him to come out.

14:13:47 6 Q. Okay. And you mentioned that sometimes
14:13:51 7 there were meetings -- days that were 6:00 a.m. to
14:13:57 8 10:00 p.m.

14:13:57 9 So you would just be waiting outside for
14:14:01 10 Mr. Laura for that entire time?

14:14:04 11 A. No. No. Most of the times, if that was
14:14:07 12 the case, it was a meeting here, a meeting there,
14:14:11 13 driving two hours here, an hour and a half back
14:14:15 14 there, most of it was driving. I mean, there have
14:14:17 15 been times where I sat in the car for longer
14:14:21 16 periods. But most of the time, I'm trying to
14:14:24 17 accomplish something else, whatever it is, while he
14:14:26 18 was in that meeting. Whether it's going to Staples
14:14:28 19 for him, whether it's running some copies,
14:14:30 20 whatever. Anything that I could do to contribute.

14:14:36 21 Q. That also included -- I mean, about how
14:14:40 22 much of the time would you say was filled with
14:14:44 23 doing other work versus sitting and waiting for
14:14:49 24 Mr. Laura?

14:14:49 25 A. Overall, I thought we already discussed

14:14:52 1 it. It was 80 percent driving, 20 percent working
14:14:55 2 for that first year or so. So that's basically
14:15:01 3 what it is, I mean...

14:15:04 4 Q. Okay. So the sitting in the car waiting
14:15:07 5 for Mr. Laura, that goes into the driving bucket?

14:15:12 6 A. Yes.

14:15:12 7 Q. Is that right?

14:15:12 8 A. Yes.

14:15:13 9 Q. So when you said 80 percent driving, how
14:15:19 10 much of that would you estimate was waiting for
14:15:24 11 Mr. Laura?

14:15:26 12 A. Maybe 10 percent. Maybe 10 percent of
14:15:32 13 the time, I would have to wait or -- yes.

14:15:34 14 Q. Okay. And was the parking paid parking
14:15:39 15 or garages, street parking, what? How did that
14:15:47 16 work?

14:15:48 17 A. You know, normally, I would find a
14:15:53 18 place. I would drive until I found a place. So
14:15:56 19 that way, he didn't have to pay anything for the
14:15:58 20 parking. Maybe once or twice, I got paid parking.
14:16:01 21 I mean, it was so rare. It was not fun, let's put
14:16:04 22 it that way.

14:16:16 23 MS. SPILLANE: Okay. All right. So if
14:16:19 24 you could just pull up Exhibit 234, please.

14:16:23 25 (Claimant's Exhibit 234, Photocopy of

14:16:23 1 Check, bearing Production Nos.
14:16:23 2 SEC-Northfield-E 44, was marked for
14:16:23 3 identification)

14:16:26 4 BY MS. SPILLANE:

14:16:27 5 Q. Are you ready?

14:16:48 6 A. Oh, yes. Yes.

14:16:50 7 Q. Okay. If you could just let me know
14:16:52 8 when I ask you to pull up an exhibit if you're
14:16:55 9 ready for questions or not. I don't know what you
14:16:58 10 feel like you need to review.

14:17:01 11 Exhibit 234, do you recognize this
14:17:05 12 exhibit?

14:17:07 13 A. Do I recognize it? I mean, I know that
14:17:10 14 check to Ally. I don't know what that other 3,000
14:17:14 15 is.

14:17:16 16 Q. Okay. And so was that a check that
14:17:20 17 related to the car loans that you were discussing
14:17:22 18 earlier in your testimony?

14:17:25 19 A. I believe so. The account number is
14:17:27 20 right on there, so yes. That's the only thing we
14:17:32 21 would have paid to Ally.

14:17:34 22 Q. Okay. You didn't have any other car
14:17:36 23 loans with Ally under your wife's name?

14:17:39 24 A. No. No.

14:17:43 25 Q. Okay. And so sitting here today, you

14:17:45 1 look at that account number and you recognize it as
14:17:47 2 the account number that related to the Chevy Tahoe
14:17:55 3 truck you testified about earlier?

14:17:57 4 A. No. I don't recognize the account
14:17:59 5 number per se, but for \$886, that's about how much
14:18:03 6 the Tahoe cost.

14:18:10 7 Q. Okay. And when you say you know that's
14:18:12 8 how much the Tahoe cost, do you mean -- how many --
14:18:17 9 or with what frequency were the \$886 payments made?
14:18:24 10 Was that a monthly payment?

14:18:25 11 A. Yes.

14:18:30 12 Q. Okay. And as far as you know -- you can
14:18:31 13 see that it says Pristec America, Incorporated, at
14:18:36 14 the top of the check, correct?

14:18:38 15 A. Yes.

14:18:42 16 Q. As far as you know, was Pristec paying
14:18:43 17 the car loan from the inception of the loan?

14:18:50 18 A. You know what? I don't remember. I
14:18:53 19 would just try and get the money for the car to get
14:18:56 20 it paid. So maybe they were Pristec. Maybe it was
14:19:00 21 in Joe Laura's name. I'm not 100 percent positive.

14:19:06 22 Q. Okay. Did you personally pay anything
14:19:08 23 toward that car loan at any point?

14:19:14 24 A. I don't know if I wrote a check out of
14:19:15 25 my account at one point. But no, I never paid any

14:19:19 1 of my own personal money for that car.

14:19:22 2 Q. Okay. And what about your wife, did she
14:19:24 3 pay any of her own money?

14:19:26 4 A. No.

14:19:26 5 Q. Okay. And did you have any -- were
14:19:32 6 there any agreements that you had with Mr. Laura
14:19:34 7 about the payments on the loan?

14:19:36 8 A. No. Verbal. Make the payments.

14:19:40 9 Q. And what was the -- sorry. I cut you
14:19:44 10 off. Can you just describe again what the
14:19:47 11 agreement was?

14:19:47 12 A. We didn't really have an agreement.
14:19:51 13 It's just like, "Joe, are you going to make these
14:19:55 14 payments?" "Yes." "Okay. Good."

14:19:58 15 Q. And the agreement was also that the loan
14:20:02 16 would be in your wife's name, correct?

14:20:04 17 A. Yes.

14:20:10 18 Q. Okay. And as far as you know, were
14:20:11 19 those loan payments always made?

14:20:13 20 A. You know what? There was a couple times
14:20:19 21 where he was late. And overall, the truck was paid
14:20:24 22 off at some point, but there was a couple of times
14:20:27 23 where there was a 30-day late on my wife's credit
14:20:30 24 that she wanted to kill me over.

14:20:33 25 Q. And did it get -- did those get paid

14:20:34 1 off?

14:20:34 2 A. Yes. Overall, they did, yes.

14:20:37 3 Q. Okay. And when the -- I think we may
14:20:43 4 have discussed this earlier, but what happened to
14:20:45 5 the truck once it was paid off? Was it then
14:20:51 6 transferred to Mr. Laura's name?

14:20:53 7 A. Yes. We did go over that already, but
14:20:57 8 I'm not really sure. I would imagine that it was,
14:20:59 9 because once it was paid off, I don't see why my
14:21:03 10 wife wouldn't have signed it over to him. I'm
14:21:07 11 pretty sure she did.

14:21:08 12 Q. Okay. And what about the insurance?
14:21:12 13 Once it was paid off, was then the insurance
14:21:15 14 transferred to Mr. Laura's name?

14:21:16 15 A. Yes. That would have been, because we
14:21:19 16 didn't keep paying it.

14:21:24 17 Q. Okay. And this check is from November
14:21:25 18 of 2010.

14:21:29 19 A. Right.

14:21:29 20 Q. Would this have also applied to -- and I
14:21:33 21 think your testimony was that that was the -- that
14:21:36 22 would have been first the black Chevy Tahoe, is
14:21:42 23 that right?

14:21:42 24 A. Yes, that was. So that would have been
14:21:46 25 the black one.

14:21:47 1 Q. Okay. And then the white Chevy Tahoe,
14:21:52 2 was that also paid through -- was that a loan with
14:21:55 3 Ally Financial?

14:21:56 4 A. I'm not 100 percent sure. I feel like
14:22:00 5 it was, but I'm not 100 percent sure.

14:22:05 6 Q. Okay. Okay. And that was also in your
14:22:07 7 wife's name?

14:22:08 8 A. Yes.

14:22:09 9 Q. That loan? Okay.

14:22:12 10 And as far as you know, were the
14:22:13 11 payments on that loan made by Pristec America?

14:22:17 12 A. Again, it was the same thing, like when
14:22:19 13 it was time to make the payment. It was just like,
14:22:22 14 you know, let's go. Where are we making this
14:22:25 15 payment from? Maybe it was made from a bankcard.
14:22:28 16 Maybe it was made from a check. Whatever we'd get
14:22:30 17 the payment in on time, but I'm not sure exactly.

14:22:33 18 Q. Okay. Okay. And I think you testified
14:22:37 19 also with respect to the white Chevy Tahoe that you
14:22:41 20 weren't sure what happened to it, that truck, when
14:22:46 21 it was paid off, when the loan was paid off, is
14:22:49 22 that right?

14:22:49 23 A. Correct. Yes.

14:22:53 24 MS. SPILLANE: Okay. Can I have you
14:22:54 25 pull up Exhibit 235, please?

14:22:58 1 (Claimant's Exhibit 235, Letter dated
14:22:58 2 5/23/19 bearing Production Nos. SEC-LIBERTY-E
14:23:05 3 1 through 57, was marked for identification)
14:23:05 4 BY MS. SPILLANE:
14:23:05 5 Q. And you can just turn to PDF 2.
14:23:11 6 A. Okay.
14:23:18 7 (Witness reviewing document).
14:23:20 8 Okay.
14:23:21 9 Q. On PDF 2, there's two vehicles listed as
14:23:25 10 covered by the policy.
14:23:27 11 Do you see that?
14:23:28 12 A. Yes.
14:23:28 13 Q. A 2012 Chevy Tahoe and a 2011 Honda
14:23:36 14 Accord?
14:23:36 15 A. Yes.
14:23:37 16 Q. And whose car was the 2011 Honda Accord?
14:23:43 17 A. The Honda Accord was in my wife's name.
14:23:47 18 It's her car.
14:23:48 19 Q. Okay. And was that -- I think you
14:23:50 20 referenced in your testimony earlier that you and
14:23:52 21 your wife shared a car.
14:23:54 22 Is that the car you were referring to?
14:23:59 23 A. Yes.
14:24:01 24 Q. Okay. And both of these cars, both the
14:24:05 25 -- and the Chevy Tahoe truck that's listed there,

14:24:09 1 was that the -- was that Mr. Laura's car that
14:24:15 2 you've been referring to in today's testimony?

14:24:18 3 A. Yes. Yes.

14:24:20 4 Q. Okay. And so both of these cars are on
14:24:23 5 this same policy, correct?

14:24:29 6 A. Yes.

14:24:30 7 Q. Okay. And do you see where it says
14:24:31 8 named insured above that, where it says Katherine
14:24:35 9 Gardiner and Joseph Martelli?

14:24:36 10 Do you see that?

14:24:37 11 A. Yes.

14:24:37 12 Q. Does that look accurate to you?

14:24:43 13 A. Yes.

14:24:44 14 Q. Okay. And so I think before, I had
14:24:45 15 asked you whether Mr. Laura was on any of these --
14:24:49 16 well, let me just say directly.

14:24:52 17 So this is a Liberty Mutual insurance
14:24:56 18 policy for your car and Mr. Laura's car, correct?

14:25:04 19 A. Yes.

14:25:07 20 Q. And I think you had said earlier that
14:25:09 21 you weren't sure whether Mr. Laura was listed on
14:25:12 22 that policy. And does this refresh your
14:25:17 23 recollection as to whether he was or was not?

14:25:20 24 A. Yes.

14:25:24 25 Q. Okay. And so does it appear to you that

14:25:26 1 he was not actually listed on that policy?

14:25:29 2 A. Yes.

14:25:39 3 MS. SPILLANE: Okay. If I could ask you
14:25:41 4 to turn to Exhibit 236, please.

14:25:44 5 (Claimant's Exhibit 236, Liberty Mutual
14:25:44 6 Letter and Policy bearing Production Nos.
14:25:44 7 SEC-LIBERTY-E 58 through 408, was marked for
14:25:44 8 identification)

14:25:59 9 BY MS. SPILLANE:

14:25:59 10 Q. Again, PDF 2 of Exhibit 236.

14:26:03 11 A. Okay.

14:26:04 12 Q. The vehicles covered by the policy in
14:26:06 13 this case appear to be a Chevy Tahoe and a Ford
14:26:15 14 F150.

14:26:15 15 Do you see that?

14:26:16 16 A. Yes.

14:26:16 17 Q. And whose car was the Ford F150, if you
14:26:20 18 know?

14:26:20 19 A. That was our truck that we brought here
14:26:23 20 when we moved here from St. Louis -- or that my
14:26:27 21 wife brought here from St. Louis.

14:26:29 22 Q. Okay. So that was not Mr. Laura's
14:26:32 23 vehicle, is that right?

14:26:33 24 A. No. No.

14:26:36 25 Q. Okay. But the Chevy Tahoe listed above

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14:26:39 1 it was one of the Chevy trucks that were

14:26:46 2 Mr. Laura's, is that right?

14:26:46 3 A. Yes.

14:26:51 4 Q. Okay. Was there -- given that both your
14:26:55 5 personal car and Mr. Laura's car were listed in the
14:26:58 6 same policy, was there an agreement as to -- as to
14:27:04 7 whether to proportion out the payments for the
14:27:08 8 policy?

14:27:11 9 A. An agreement, no. It was just I would
14:27:13 10 pay mine and he'd pay his. No agreements.

14:27:18 11 Q. Okay. And how did you know which was
14:27:20 12 which?

14:27:20 13 A. Well, if you look under, it says vehicle
14:27:23 14 1, vehicle 2. I mean, that's how you can tell
14:27:32 15 which vehicle is insured for how much.

14:27:34 16 Q. Okay. So can you describe how it worked
14:27:39 17 with you and Mr. Laura to understand what he was
14:27:41 18 paying and what you would be responsible for? Did
14:27:41 19 you have a conversation on a monthly basis or
14:27:47 20 how --

14:27:47 21 A. Joe was paying the full amount. Okay.
14:27:51 22 Joe was paying the full amount on his car, on the
14:27:58 23 Tahoe that he was using. And we were paying the --
14:27:59 24 in particular years, it was an \$800 premium for the
14:28:02 25 Ford. That's what we would pay on our end.

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14:28:05 1 Q. Okay. And so those payments -- so
14:28:09 2 partial payments would come out of -- would they
14:28:11 3 come out of your wife's account or your account?

14:28:14 4 A. Probably both. I mean, maybe mostly out
14:28:18 5 of her account because -- but we both paid bills
14:28:22 6 and everything from both of our accounts.

14:28:25 7 Q. Okay. So it's your testimony that
14:28:28 8 Mr. Laura was not paying for any portion of the
14:28:33 9 insurance that was attributable to your personal
14:28:35 10 car, is that right?

14:28:37 11 A. No. He didn't pay for my car.

14:28:43 12 Q. If you could turn to PDF page 4 of
14:28:50 13 Exhibit 236. And at the top, there's a reference
14:29:05 14 to the loss payee on vehicle 1 as Ally Financial.

14:29:09 15 Do you see that?

14:29:10 16 A. Yes.

14:29:13 17 Q. Okay. And is that an indication that
14:29:18 18 Ally Financial was the lender for vehicle 1, which
14:29:21 19 is the Chevy truck?

14:29:24 20 A. Yes. So it looks like we kept it -- the
14:29:29 21 second one was Ally as well, it looks like, I
14:29:33 22 think.

14:29:33 23 Q. Sorry. The second vehicle you mean or
14:29:38 24 the second --

14:29:38 25 A. No. The second Tahoe.

14:29:41 1 Q. I see.

14:29:42 2 Well, just to clarify, if you look at
14:29:44 3 the top of the page, PDF page 2, there's an
14:29:50 4 indication on Exhibit 236 that it relates to the
14:29:53 5 policy period of 2010 -- October 2010 through
14:29:58 6 October 2011.

14:30:02 7 A. Okay.

14:30:03 8 Q. And Exhibit 235 appears to be 2012
14:30:08 9 through 2013.

14:30:13 10 A. Okay.

14:30:14 11 Q. Does that comport with your recollection
14:30:18 12 that the loss payee on the first -- that the lender
14:30:20 13 on the first truck was Ally Financial?

14:30:24 14 A. Yes, I think so.

14:30:28 15 Q. Okay. And also on the second truck?

14:30:32 16 A. I believe it was Ally Financial.

14:30:40 17 Q. Okay. I believe you testified that
14:30:41 18 Mr. Laura didn't have any other vehicle he was --
14:30:48 19 any other personal vehicle, is that right?

14:30:50 20 A. No. I mean, he couldn't get a car
14:30:53 21 because of his credit.

14:30:59 22 Q. Okay. So if you could -- on Exhibit
14:31:05 23 236, if you could scroll to PDF 336, I'll represent
14:31:25 24 to you this was a composite document that was
14:31:27 25 produced to us this way by the producing party,

14:31:31 1 so --

14:31:32 2 A. Okay.

14:31:33 3 Q. -- it's from a number of different time
14:31:36 4 periods. You should feel free to scroll through as
14:31:39 5 many pages as you need.

14:31:41 6 A. What is this? I don't even understand
14:31:43 7 what some of this says.

14:31:46 8 Q. Yes. I mean, you can feel free to
14:31:50 9 scroll through, but I will -- I can say I'll
14:31:54 10 represent to you that they appear to be -- they
14:31:58 11 appear to be notes of communications between the
14:32:04 12 insurer and the customer. But you can look through
14:32:08 13 and tell me if they refresh your recollection as to
14:32:12 14 any communications you might have had with -- you
14:32:16 15 or your wife might have had with the insurer on
14:32:21 16 this policy.

14:32:23 17 MR. O'CONNOR: I'm just going to object
14:32:24 18 to the question to the extent that you're
14:32:27 19 testifying about what the document is. He's
14:32:30 20 certainly welcome to look at it and tell you
14:32:34 21 whether he's seen it and whether it refreshes
14:32:36 22 his recollection.

14:32:37 23 A. I don't recall any of that. I mean,
14:32:41 24 I don't know. I don't know technically what this
14:32:41 25 is.

14:32:45 1 BY MS. SPILLANE:

14:32:45 2 Q. Okay.

14:32:49 3 A. I don't understand what the point of
14:32:50 4 this is here or what I'm supposed to be answering
14:32:54 5 here.

14:32:55 6 Q. Yes. That's because I haven't asked a
14:32:57 7 question yet, other than to invite you to review
14:33:02 8 the document, and then your lawyer placed an
14:33:05 9 objection onto the record. So I will now ask you
14:33:09 10 to direct your attention to the entry that appears
14:33:12 11 to be related to October 12, 2014.

14:33:18 12 Do you see that?

14:33:18 13 MR. O'CONNOR: Which page are we looking
14:33:21 14 at?

14:33:22 15 MS. SPILLANE: On PDF page 336.

14:33:29 16 A. (Witness reviewing document).
14:33:35 17 2014.

14:33:37 18 MR. O'CONNOR: What's the date again?

14:33:39 19 BY MS. SPILLANE:

14:33:39 20 Q. For 10/12/2014.

14:33:42 21 A. Yes, I see it.

14:33:44 22 Q. At 11:27 a.m.

14:33:45 23 Okay. So there seems to be a reference
14:33:49 24 there to a canceled policy. Do you see that?

14:33:52 25 A. I guess, yes.

14:33:55 1 Q. "CANX POL," and then a few backslashes,
14:34:00 2 and it then says "Rates, GEICO," and then two
14:34:05 3 backslashes, "CANX EFF 10/14."

14:34:09 4 Do you see that?

14:34:10 5 A. Yes.

14:34:16 6 Q. Okay. Do you have a recollection of
14:34:18 7 canceling this Liberty Mutual insurance policy in
14:34:27 8 or around October of 2014?

14:34:28 9 A. I don't know the date, but we definitely
14:34:32 10 stopped using Liberty Mutual, and I think we went
14:34:35 11 to GEICO.

14:34:37 12 Q. Okay. And do you think that that was
14:34:38 13 around October of 2014?

14:34:44 14 A. I don't want to say. I'm not sure, but
14:34:46 15 it sounds about -- it could be right. Yes.

14:34:51 16 Q. Okay. And so do you have -- I just want
14:34:56 17 to make sure I understand your testimony.

14:34:58 18 Do you recall moving -- that this car
14:35:00 19 insurance was moved from Liberty Mutual to GEICO,
14:35:03 20 apart from the document?

14:35:09 21 A. Yes. Yes. I recall changing from
14:35:11 22 Liberty Mutual to GEICO. My wife did it, but I
14:35:14 23 recall me getting stuff in the mail from GEICO,
14:35:17 24 so...

14:35:18 25 Q. Okay. And did that also include the --

14:35:22 1 Mr. Laura's truck?

14:35:25 2 A. I would imagine it did, yes. We
14:35:28 3 wouldn't leave him behind, because you get a
14:35:33 4 discount if you have both cars, so I'm sure we
14:35:36 5 brought him to GEICO, too.

14:35:38 6 Q. Okay. And did the payment arrangements
14:35:40 7 with respect to Mr. Laura's -- the insurance on
14:35:44 8 Mr. Laura's truck, did that also follow when the
14:35:49 9 policy moved to GEICO?

14:35:56 10 A. Yes.

14:35:57 11 Q. Okay. And so when the policy moved to
14:35:58 12 GEICO, Mr. Laura was handling the payments for his
14:36:03 13 truck?

14:36:04 14 A. Yes.

14:36:06 15 Q. Okay. If I could ask you to turn back
14:36:14 16 to page 3 -- and, sorry, just to confirm, did that
14:36:21 17 understanding remain throughout the entire period
14:36:25 18 that that -- that Mr. Laura was using that truck?

14:36:30 19 A. Yes.

14:36:31 20 Q. Okay. And do you know at what point, if
14:36:37 21 ever, you stopped paying for the insurance on -- I
14:36:43 22 mean, he stopped paying for the insurance on that
14:36:45 23 truck through a policy associated with your wife?

14:36:49 24 A. No. It would have been -- it would have
14:36:53 25 been after he paid off the truck at some point.

14:36:55 1 I'm sure it wasn't -- I'm sure it was right after
14:36:58 2 he paid off the truck.

14:36:59 3 Q. Okay. If I could ask you to turn to
14:37:06 4 page PDF 3 of Exhibit 236.

14:37:25 5 MR. O'CONNOR: Yes.

14:37:28 6 MS. SPILLANE: I'm sorry. Hold on one
14:37:30 7 second.

14:37:32 8 I'm sorry. Actually, I'll have you open
14:37:50 9 up Exhibit 237.

14:37:51 10 (Claimant's Exhibit 237, Liberty Mutual
14:37:51 11 Statement of Account bearing Production Nos.
14:37:51 12 SEC-LIBERTY-E 434 through 468, was marked for
14:37:52 13 identification)

14:37:59 14 BY MS. SPILLANE:

14:37:59 15 Q. And it will again be PDF page 3.

14:38:26 16 A. (Witness reviewing document).

14:38:26 17 Okay.

14:38:27 18 Q. Okay. Do you see there's a reference to
14:38:29 19 payment detail on that page --

14:38:30 20 A. Yes.

14:38:32 21 Q. -- to a Visa ending in 8486?

14:38:37 22 Do you see that?

14:38:38 23 A. Yes.

14:38:39 24 Q. Do you know whether that's a payment
14:38:43 25 that was -- whether that was a Visa that was

14:38:48 1 associated with you or with someone else?

14:38:52 2 A. I don't remember. I don't think that's
14:38:55 3 mine.

14:38:58 4 Q. Okay. So would that have been a payment
14:38:59 5 that Mr. Laura made on -- into the policy?

14:39:04 6 A. It may have been. It would either be
14:39:08 7 him or us, so I don't know. I don't remember a
14:39:13 8 Visa.

14:39:15 9 Q. Okay. And can you turn to the next
14:39:17 10 page, PDF page 4?

14:39:25 11 A. Okay.

14:39:27 12 Q. And that's a check from -- a copy of a
14:39:28 13 check from Innovative Crude Technologies
14:39:33 14 Incorporated.

14:39:34 15 A. Okay.

14:39:34 16 Q. Do you see that?

14:39:35 17 A. Yes.

14:39:35 18 Q. For \$2,050?

14:39:39 19 A. Yes.

14:39:40 20 Q. Okay. And if you scroll up to -- back
14:39:44 21 up to page 2, you can see a listing of that check
14:39:53 22 on -- associated with October 21, 2013.

14:39:57 23 Do you see that?

14:39:58 24 A. Yes.

14:40:03 25 Q. That seems to be a large proportion of

14:40:06 1 the amount owing for that year from Innovative
14:40:13 2 Crude Technologies.

14:40:14 3 A. Okay.

14:40:16 4 MR. O'CONNOR: Was that a testimony or
14:40:17 5 was that a question?

14:40:19 6 MS. SPILLANE: Excuse me. Excuse me.

14:40:19 7 BY MS. SPILLANE:

14:40:19 8 Q. Was there a point where the arrangement
14:40:22 9 in terms of how much Mr. Laura was paying on the
14:40:27 10 policy changed in 2013?

14:40:31 11 A. No.

14:40:33 12 Q. Okay. And so do you know how it came
14:40:35 13 about that \$2,050 was paid on the policy in October
14:40:40 14 of 2013 by Innovative Crude Technologies?

14:40:45 15 A. No. I mean, it was paying -- it could
14:40:48 16 be a number of reasons. It could be that Pristec
14:40:52 17 or Innovative Crude owes me like 10 trillion
14:40:57 18 dollars. It could just be that Joe put a certain
14:40:59 19 amount up on one check and I'm getting taxed. But
14:41:02 20 it could have been a million different things. I
14:41:05 21 don't know. I mean...

14:41:05 22 Q. Okay. Were any of those million things
14:41:07 23 documented in any way?

14:41:09 24 A. No. None of them.

14:41:13 25 Q. Okay. And do you have any recollection

14:41:14 1 of which one of those things it might have actually
14:41:17 2 been?

14:41:21 3 A. No.

14:41:22 4 Q. Okay. And if it was a payment that was
14:41:24 5 made in lieu of compensation to you, do you know
14:41:28 6 whether it was included in payroll documentation --

14:41:31 7 A. No.

14:41:32 8 Q. -- about your compensation?

14:41:33 9 A. No.

14:41:34 10 Q. Okay. Do you recall receiving similar
14:41:41 11 documents like this from the GEICO the policy while
14:41:48 12 it was still being billed to you and your wife?

14:41:51 13 A. No.

14:41:54 14 Q. Okay. If you scroll down to page 15, in
14:42:01 15 Exhibit 237, there's another large check written
14:42:18 16 out of the Pristec America, Incorporated, account.

14:42:20 17 Do you see that?

14:42:21 18 A. Yes.

14:42:21 19 Q. Okay. And on PDF page 24 -- and that
14:42:30 20 check is for October 2012.

14:42:34 21 Do you see that?

14:42:35 22 A. Yes.

14:42:40 23 Q. Okay. Do you have any understanding as
14:42:44 24 to why the payment in 2012 was made from a Pristec
14:42:48 25 America account and the payment in 2013 was made

14:42:50 1 from an Innovative Crude Technologies account?

14:42:54 2 A. I have no idea. No clue.

14:42:54 3 Q. Okay.

14:43:10 4 A. Look, that one was written by me.

14:43:18 5 Another one by me. That's my wife.

14:43:41 6 Q. And if you could look -- sorry -- at PDF

14:43:47 7 27, do you see that? It's a check on Pristec

14:43:57 8 America from September 27th, 2011. Do you see

14:44:00 9 that?

14:44:00 10 A. Yes.

14:44:01 11 Q. Okay. And if you scroll to page 26,

14:44:07 12 you'll see that the renewal premium was \$2,962 and

14:44:22 13 \$2,199 was paid by Pristec America.

14:44:26 14 Do you see that?

14:44:27 15 A. Yes.

14:44:27 16 Q. Okay. Did that refresh your

14:44:31 17 recollection at all as to what the agreement was in

14:44:35 18 terms of --

14:44:36 19 A. No. No.

14:44:38 20 Q. -- what Mr. Laura was directing payments

14:44:41 21 for with respect to this policy?

14:44:43 22 A. No.

14:44:45 23 Q. Okay. All right. Let's see. So are

14:44:53 24 you aware of any other insurance company after

14:44:56 25 GEICO that was insuring Mr. Laura's truck?

14:45:01 1 A. No.

14:45:01 2 Q. Okay. And when you were reviewing your
14:45:09 3 files for documents responsive to the SEC's
14:45:13 4 subpoena, did you review for documents related to
14:45:19 5 the GEICO policy?

14:45:22 6 A. No. I don't have any.

14:45:26 7 MR. O'CONNOR: You said what? What did
14:45:28 8 you say?

14:45:28 9 THE WITNESS: I don't have any of that.

14:45:30 10 MR. O'CONNOR: I'd appreciate it if you
14:45:32 11 let him finish, please.

14:45:39 12 BY MS. SPILLANE:

14:45:39 13 Q. While you were driving for Mr. Laura,
14:45:42 14 how were expenses paid on the -- expenses related
14:45:46 15 to the vehicle paid?

14:45:50 16 A. I don't know. Cash. I mean, a lot of
14:45:55 17 it is cash. I couldn't tell you what each expense
14:45:59 18 was paid with, but I would just -- he's always
14:46:03 19 putting cash out, so...

14:46:05 20 Q. Who's he?

14:46:07 21 A. What?

14:46:10 22 Q. Who is the "he"? You said he was always
14:46:13 23 putting cash out. Who's he?

14:46:16 24 A. Oh, Joseph Laura.

14:46:19 25 Q. Okay. Did you ever put out cash for any

14:46:23 1 expenses related to the car?

14:46:25 2 A. No.

14:46:28 3 Q. Okay. And were there -- did you ever
14:46:32 4 put out -- make payments on a credit card or by
14:46:36 5 check related to either of those cars, other than
14:46:40 6 what we've --

14:46:40 7 A. I have no clue.

14:46:42 8 Q. -- already talked about with the
14:46:43 9 insurance?

14:46:44 10 A. I don't remember. I don't know these
14:46:45 11 things. I mean, I don't remember.

14:46:54 12 Q. Okay. Was part of your job to keep
14:46:56 13 track of maintenance or other expenses related to
14:46:59 14 the car?

14:47:00 15 A. No.

14:47:03 16 Q. Do you know if Mr. Laura kept track of
14:47:08 17 expenses related to the car?

14:47:09 18 A. I wouldn't know.

14:47:14 19 Q. Okay. What about gas? Was it also part
14:47:16 20 of your job to fill the car with gas on occasion?

14:47:21 21 A. Yes. If the car ran low on gas, we
14:47:27 22 would stop at the gas station and fill up the gas
14:47:31 23 tank.

14:47:32 24 Q. Okay. And who paid for that?

14:47:34 25 A. Joseph Laura.

14:47:38 1 Q. Okay. With cash or credit cards or --

14:47:44 2 A. If I had to give my best recollection, I
14:47:47 3 would say he used mostly cash.

14:47:50 4 Q. Okay. If he was using the car, he would
14:47:57 5 be -- you wouldn't be necessarily aware of -- if
14:48:01 6 you weren't there with him when he was using the
14:48:04 7 car, you wouldn't be aware of how he was paying for
14:48:06 8 that, is that correct?

14:48:07 9 A. Yes, that is correct. If he was by
14:48:11 10 himself, I wouldn't know how he paid for the gas.

14:48:14 11 Q. Okay. And did you keep track of how
14:48:18 12 often the car was filled?

14:48:20 13 A. I didn't keep track of anything, but I
14:48:23 14 would say that we had to fill that truck up, seemed
14:48:29 15 like every day.

14:48:31 16 Q. Okay. But you didn't keep track?

14:48:34 17 A. No.

14:48:35 18 Q. Confirming?

14:48:35 19 A. No.

14:48:36 20 Q. Okay. All right. So I wanted to switch
14:48:41 21 gears a little bit to talk about the other duties
14:48:46 22 that you had as a helper.

14:48:55 23 I think you've kind of described
14:48:58 24 generally that you sometimes went to Staples and
14:49:02 25 made copies and you sometimes fixed PowerPoints.

14:49:08 1 Were there other jobs that you did?

14:49:10 2 MR. O'CONNOR: Objection. Asked and
14:49:11 3 answered.

14:49:11 4 You can answer again.

14:49:14 5 THE WITNESS: I should answer?

14:49:15 6 MR. O'CONNOR: You've answered it many
14:49:17 7 times. Just go ahead and answer it again.

14:49:18 8 A. Yes. I mean, it's the same thing that I
14:49:22 9 told you before. I mean, I can't remember every
14:49:26 10 little thing I did for Joe, but that's basically
14:49:29 11 what I did, helped him with his core computer
14:49:33 12 skills and would run around to Staples, to FedEx,
14:49:39 13 whatever it was, yes.

14:49:40 14 BY MS. SPILLANE:

14:49:40 15 Q. Okay. So we have would run around to
14:49:43 16 Staples. We have would run around to FedEx. And
14:49:48 17 you would help him with PowerPoints I think is what
14:49:52 18 you provided some details before.

14:49:58 19 What other of the core computer skills
14:50:02 20 did you help for Mr. Laura?

14:50:04 21 A. That's it.

14:50:09 22 Q. Okay. What kind of PowerPoints did you
14:50:11 23 help him with?

14:50:14 24 A. I helped him with whatever he needed.

14:50:19 25 Q. Okay. I'm just asking for any other

14:50:21 1 examples you have besides helping him with a
14:50:24 2 PowerPoint with the computer.

14:50:27 3 A. I don't know. If I -- I didn't keep
14:50:29 4 track of everything I ever did for him. I mean, if
14:50:31 5 he needed help with something, I helped him,
14:50:35 6 whatever it was. If it had to do with the
14:50:36 7 computer, if it had to do with going somewhere, if
14:50:39 8 it had to do with dropping something off for him,
14:50:42 9 shipping something out, making copies, whatever it
14:50:44 10 was, I was moving around a lot. That's all I can
14:50:49 11 say.

14:50:49 12 Q. Okay. I'm just asking for any other
14:50:53 13 details that you can recall besides the ones that
14:50:56 14 you've mentioned.

14:50:56 15 A. That's it.

14:50:57 16 Q. It sounds like you can't recall any
14:51:00 17 other details, is that right?

14:51:01 18 A. Yes, that's right.

14:51:02 19 Q. Okay. And I don't want to characterize
14:51:07 20 your testimony. I just want to have it clear,
14:51:10 21 but -- and it's also true that there were no
14:51:13 22 records kept of the tasks that you did, is that
14:51:19 23 right?

14:51:19 24 A. No. No records.

14:51:22 25 Q. Okay. And I think we discussed this

14:51:25 1 with reference to investor contracts, but did you
14:51:30 2 have any general responsibilities with respect to
14:51:32 3 file management for Mr. Laura?

14:51:34 4 A. No.

14:51:38 5 Q. Okay. So did you ever go with him to
14:51:42 6 some kind of like file storage location, any sort
14:51:46 7 of warehouse or anything like that?

14:51:47 8 A. No. I went with him to Staples, Office
14:51:52 9 Depot, Office Max. That's about it.

14:51:52 10 Q. Sure.

14:51:54 11 A. No storage locations.

14:51:58 12 Q. Okay. And are you aware of where
14:52:00 13 Mr. Laura kept -- if Mr. Laura kept any files,
14:52:06 14 paper files with respect to Pristec America?

14:52:10 15 A. I would say he kept them in his home
14:52:13 16 office.

14:52:16 17 Q. Okay. And his home office in -- at his
14:52:20 18 home in New Jersey, correct?

14:52:21 19 A. Sure. Yes.

14:52:22 20 Q. Okay. And you're not aware of any other
14:52:26 21 location where he might have been keeping paper
14:52:30 22 files, is that right?

14:52:31 23 A. No. I'm not aware.

14:52:37 24 Q. Okay. And, again, I know that we asked
14:52:40 25 this with respect to investors, but I wanted to

14:52:42 1 talk more broadly about business meetings that were
14:52:46 2 not with investors.

14:52:47 3 Did you ever attend any of those?

14:52:51 4 Setting aside the two trips to Austria.

14:52:54 5 A. You said business meetings that weren't
14:52:57 6 with investors? What did you say? I'm sorry.

14:52:59 7 Q. Right. I think we talked specifically
14:53:01 8 about investor meetings previously. And my
14:53:04 9 recollection of your testimony was that you said
14:53:08 10 that you did not attend any of those meetings and
14:53:11 11 that on some occasions with respect to Anthony
14:53:18 12 Posio, you specifically left when there was Pristec
14:53:22 13 investor information being discussed.

14:53:23 14 Did I recall your testimony correctly?

14:53:30 15 A. Yes.

14:53:31 16 Q. And now I want to ask about other
14:53:32 17 business meetings.

14:53:33 18 Did you attend any other business
14:53:34 19 meetings besides the two in Austria that we talked
14:53:40 20 about before?

14:53:43 21 A. Business meetings, no, not really. I
14:53:48 22 mean, not that I can think of.

14:53:50 23 Q. Okay. So you can't recall having
14:53:53 24 attended any of them?

14:53:54 25 A. No, not really.

14:54:01 1 Q. Okay. I just want to make sure that you
14:54:02 2 don't -- when you say not really, that you don't --
14:54:04 3 you're not having -- you don't have some
14:54:04 4 recollection of having attended some business
14:54:06 5 meetings that you might want to testify about.

14:54:11 6 A. No, nothing that I can think about right
14:54:14 7 now. I mean, to be honest with you. Most of the
14:54:16 8 time, I was always outside whenever he was talking
14:54:18 9 business or doing whatever, so...

14:54:21 10 Q. Got it. Okay.

14:54:25 11 And you said you didn't have any
14:54:27 12 communications with investors and with respect to
14:54:34 13 Pristec AG and Mr. Nuerk, the people that you met
14:54:41 14 in Austria. Your communications were basically
14:54:43 15 limited to that time when you were actually there
14:54:45 16 in Austria.

14:54:46 17 Did I recall your testimony correctly
14:54:52 18 about that?

14:54:53 19 A. Yes.

14:54:53 20 Q. Okay. And so the people or entities
14:54:54 21 that were involved in other business meetings, not
14:54:57 22 investors, not Austria, did you ever have any
14:55:01 23 communications directly with any of those people,
14:55:04 24 people involved in those meetings?

14:55:09 25 A. Can you repeat that question?

14:55:12 1 Q. Yes, I can. So did you have any direct
14:55:16 2 communications with the people involved in
14:55:17 3 Mr. Laura's business meetings that didn't relate --
14:55:21 4 that weren't investor meetings and weren't the two
14:55:23 5 trips to Austria?

14:55:24 6 A. No.

14:55:33 7 Q. Okay. All right. So with respect to
14:55:35 8 salary, I think your testimony generally earlier
14:55:37 9 was that you expected at the beginning that you
14:55:43 10 were going to be paid \$5,000 a month, is that
14:55:47 11 right?

14:55:47 12 A. Yes, before taxes.

14:55:54 13 Q. Okay. And was the pay to be based on
14:55:56 14 hours or --

14:56:00 15 A. It was just basically whenever I need
14:56:02 16 you -- whenever I need you, I need you. I don't
14:56:07 17 want any excuses. If I need you to do work for me,
14:56:10 18 then I need you to do work. And I said that's
14:56:12 19 fine.

14:56:14 20 Q. Okay. And were there to be any bonuses
14:56:18 21 or any other -- any compensations besides the
14:56:24 22 \$5,000 a month?

14:56:25 23 A. No. Yes. When we hit it big, I was
14:56:29 24 going to have a big position with the company.

14:56:32 25 Q. Okay. And what did you understand "a

14:56:34 1 big position with the company" to mean?

14:56:36 2 A. I'm sorry. I was kidding with that.

14:56:40 3 I'm just saying, yes, that was my hopes that one

14:56:43 4 day, if Pristec did something big, that I would

14:56:47 5 have a better position with the company and make

14:56:49 6 more money.

14:56:52 7 Q. And what kind of position would that

14:56:55 8 have been?

14:56:57 9 A. Any position that made more money. No

14:57:02 10 specific position in mind.

14:57:06 11 Q. Okay. Had you and Mr. Laura discussed

14:57:11 12 generally what that would entail?

14:57:13 13 A. No.

14:57:13 14 Q. Okay. And the assistant duties that you

14:57:23 15 were providing to Mr. Laura throughout -- from 2010

14:57:28 16 on, did they change or increase or grow in

14:57:37 17 complexity at all?

14:57:40 18 A. I'm sorry. I feel like I've heard all

14:57:42 19 these questions before, but can you repeat that?

14:57:45 20 Q. Did the duties change in complexity over

14:57:49 21 the years?

14:57:50 22 A. No.

14:57:51 23 Q. In other words, was Mr. Laura providing

14:57:53 24 you with additional experience that would have

14:57:58 25 allowed you to become more involved in the business

14:58:01 1 end of the company?

14:58:05 2 A. Not really.

14:58:07 3 Q. Okay. All right. I understand that you
14:58:17 4 were paid -- I think you testified earlier that you
14:58:19 5 received checks from Mr. Laura.

14:58:23 6 Was there ever any other way that you
14:58:25 7 were paid your compensation?

14:58:31 8 A. No. I mean, no, not that I can think
14:58:35 9 of. I didn't get paid what I was supposed to get
14:58:39 10 paid from Pristec even, so...

14:58:43 11 Q. All right. And so just to ask a follow
14:58:46 12 up about that, when you say you weren't paid what
14:58:51 13 you were supposed to receive, what do you mean by
14:58:53 14 that?

14:58:53 15 A. I just am saying I just feel like I did
14:58:58 16 more work than I got paid for. I worked my butt
14:59:04 17 off. Excuse me. I worked many hours, like I said,
14:59:07 18 driving around, doing whatever. And when things
14:59:09 19 didn't go so well for the company, I was willing to
14:59:14 20 take one for the team and not get paid a lot, but I
14:59:16 21 feel like I've done a lot of work for what I've
14:59:19 22 been paid.

14:59:22 23 Q. Okay. I think, though, you testified
14:59:25 24 earlier that you don't have any -- Mr. Laura or
14:59:30 25 Pristec or the companies, they don't owe you any

14:59:33 1 money currently, is that right?

14:59:34 2 A. No. They don't technically owe me
14:59:37 3 money.

14:59:40 4 Q. Is there some non-technical way that
14:59:42 5 they owe you money? Is there some other kind of
14:59:45 6 agreement that you have about money that you're
14:59:47 7 owed?

14:59:48 8 A. No, there was no agreement. That's the
14:59:51 9 problem.

14:59:54 10 Q. Okay. What do you mean that was the
14:59:56 11 problem?

14:59:56 12 A. I just mean there was no agreement, so
14:59:58 13 therefore I got paid what I got paid to do whatever
15:00:03 14 I did.

15:00:06 15 Q. Okay. Do you have the perception that
15:00:09 16 you were treated unfairly?

15:00:11 17 A. No. I know Joe did what he could do
15:00:15 18 with the resources that he had, and I appreciated
15:00:21 19 him keeping me around. I had faith in everything
15:00:25 20 that he was doing at the company and everything
15:00:27 21 that was going on and the stuff that I saw in
15:00:29 22 Austria. So I really thought that in time, this
15:00:32 23 company was going to be something very big and it
15:00:34 24 was going to make a lot of people a lot of money.
15:00:37 25 And, you know, just it hasn't worked out that way,

15:00:41 1 unfortunately. That's all. So I was willing to
15:00:43 2 work and, you know, take whatever it was that Joe
15:00:48 3 -- that Pristec could give me at that time. And I
15:00:52 4 don't think I was treated unfairly, no. I just was
15:00:57 5 hoping for me, how about that, in the end.

15:01:05 6 MS. SPILLANE: Understood. If you could
15:01:06 7 pull up Exhibit 238, please.

15:01:11 8 (Claimant's Exhibit 238, Check
15:01:11 9 Photocopies bearing Production Nos.
15:01:11 10 SEC-Northfield-E 25 through 26, was marked
15:01:11 11 for identification)

15:01:15 12 BY MS. SPILLANE:

15:01:16 13 Q. Let me know when you're ready.

15:01:17 14 A. Okay.

15:01:19 15 (Witness reviewing document).

15:01:22 16 MR. O'CONNOR: Can you see?

15:01:23 17 THE WITNESS: Yes. I think it says
15:01:27 18 \$5,250. Yes, we're here.

15:01:33 19 BY MS. SPILLANE:

15:01:33 20 Q. Okay. If you scroll to -- I guess it's
15:01:35 21 on the first page.

15:01:36 22 A. Yes.

15:01:37 23 Q. I apologize. It's a little unclear.

15:01:41 24 There's a cashier's check that appears
15:01:45 25 to be written out to Gregory DelliSanti.

15:01:49 1 Do you see that?

15:01:50 2 A. Yes.

15:01:50 3 Q. Okay. And then below that, there's a
15:01:53 4 memo which is upside down, but it appears to read,
15:01:57 5 "Advancing money to employee to buy house."

15:02:01 6 Do you see that?

15:02:01 7 A. Yes, I do see that.

15:02:07 8 Q. Okay. And then on the second page,
15:02:08 9 there's a \$2,100 check to Coldwell Banker
15:02:08 10 Realtors --

15:02:08 11 A. Okay. Yes.

15:02:17 12 Q. -- which also has an indication,
15:02:20 13 "Advancing money to employee to buy house?"

15:02:22 14 Do you see that?

15:02:23 15 A. Yes.

15:02:23 16 Q. Okay. Were those -- and we spoke about
15:02:28 17 Mr. DelliSanti earlier, and you said you had some
15:02:35 18 recollection that there was a payment made in
15:02:36 19 connection with your moving to New Jersey.

15:02:38 20 A. Yes. Yes.

15:02:39 21 Q. Is the payment to Mr. DelliSanti one
15:02:43 22 that was for your benefit for moving expenses --

15:02:47 23 A. Yes.

15:02:48 24 Q. -- or for -- okay.

15:02:50 25 A. Yes.

15:02:50 1 Q. Was there actually a house purchased?

15:02:53 2 A. No, not a house purchased. It was just
15:02:56 3 to move into the rental.

15:03:03 4 Q. Okay. Was the check to Coldwell Banker
15:03:07 5 Realtors also in relation to payment for your
15:03:10 6 rental?

15:03:10 7 A. Yes.

15:03:19 8 Q. Okay. And were there other -- seeing
15:03:20 9 these checks, does it refresh your recollection
15:03:21 10 about any other payments that may have been made on
15:03:24 11 your behalf in connection with your moving to New
15:03:30 12 Jersey?

15:03:30 13 A. No, that's it. He just helped me get
15:03:34 14 into the house, because I didn't have the 8,000 to
15:03:36 15 get in or whatever it was, 7,000.

15:03:49 16 MS. SPILLANE: Okay. All right. If you
15:03:49 17 could pull up Exhibit 239, please.

15:03:53 18 (Claimant's Exhibit 239, Check
15:03:53 19 Photocopies bearing Production Nos.
15:03:53 20 SEC-Northfield-E 33 through 43, was marked
15:03:53 21 for identification)

15:03:55 22 BY MS. SPILLANE:

15:03:55 23 Q. And I'll represent to you that this is a
15:03:58 24 document -- the first is a copy of the document
15:04:05 25 that we have with the Bates stamp on it. The

15:04:07 1 second is a native version of the PDF because the
15:04:11 2 Bates stamped version is difficult to read.

15:04:17 3 A. Okay.

15:04:17 4 Q. But, Mr. O'Connor, you can find a copy
15:04:20 5 of that document in your production at that Bates
15:04:24 6 numbers. And the same goes for the second page of
15:04:26 7 the exhibit, which is -- the first page is
15:04:31 8 Northfield 33, and then second page is Northfield
15:04:34 9 43.

15:04:39 10 A. Okay.

15:04:39 11 Q. So you can take a minute to look at
15:04:42 12 these two pages. The first two pages are the same,
15:04:45 13 and the second two pages are the same underlying
15:04:48 14 document.

15:04:48 15 A. Okay. So I guess those were more checks
15:04:52 16 that he gave me for moving.

15:04:55 17 Q. Okay. And is that because you're
15:04:57 18 reading the memo line that indicates expense
15:05:00 19 reimbursement for moving and other -- and expenses?

15:05:04 20 A. I can't really remember that far back,
15:05:07 21 because it was so long ago. I mean, it was like
15:05:10 22 10, 11 years ago. But I'm sure if I would have
15:05:13 23 needed more help when I got here, I'm sure he would
15:05:15 24 have helped me out at that time.

15:05:19 25 Q. Okay. And so do you have any

15:05:20 1 independent recollection of Mr. Laura making these
15:05:28 2 payments to you in relation to moving?

15:05:33 3 A. Like I said, it's so long ago. I don't.
15:05:38 4 But I'm sure he did. If it says it on there, then
15:05:41 5 I'm sure that's what it is.

15:05:42 6 Q. Okay. Well, do you have any
15:05:44 7 recollection of a different reason why he would
15:05:47 8 have been making these payments to you?

15:05:49 9 A. No. No other reason.

15:06:01 10 Q. All right. So on page 2 -- or 1 or 2, I
15:06:09 11 just wanted to ask if that's your signature
15:06:12 12 endorsing the check.

15:06:14 13 THE WITNESS: She's talking about right
15:06:16 14 here?

15:06:17 15 A. On Exhibit 239? I'm trying to...

15:06:19 16 BY MS. SPILLANE:

15:06:19 17 Q. Yes, on Exhibit 239.

15:06:21 18 A. Yes. I just want to make sure, because
15:06:24 19 there's one thing in there. I really don't
15:06:27 20 recognize it. But, yes, on the back of those
15:06:29 21 checks is my signature, yes.

15:06:30 22 Q. Okay. And so at the time, you had a
15:06:32 23 bank account at Valley National Bank, which is
15:06:35 24 stamped on the endorsed side of the check?

15:06:37 25 A. Yes.

15:06:46 1 MS. SPILLANE: Okay. If you could pull
15:06:47 2 up Exhibit 240, please.

15:06:52 3 (Claimant's Exhibit 240, Check
15:06:52 4 Photocopies, bearing Production Nos.
15:06:52 5 SEC-Northfield-E 55 through 475, was marked
15:06:53 6 for identification)

15:06:55 7 MS. SPILLANE: Mr. O'Connor, I'll just
15:06:56 8 note for the record that Exhibit 240 is a
15:06:59 9 composite exhibit with excerpts from the
15:07:03 10 production from Northfield Bank. The Bates
15:07:08 11 stamps are indicated on the bottom page of
15:07:16 12 the individual pages that comprise the
15:07:19 13 exhibit.

15:07:24 14 Just take as long as you need to scroll
15:07:27 15 through them.

15:07:28 16 MR. O'CONNOR: There's 35 pages. You
15:07:30 17 want him to read the whole thing or...

15:07:32 18 MS. SPILLANE: Take as long as you need.
15:07:34 19 I'll have some specific questions at certain
15:07:37 20 pages, but the questions are going to be
15:07:40 21 about the dates and the timing of the
15:07:43 22 payments.

15:07:44 23 THE WITNESS: Okay.

15:07:44 24 BY MS. SPILLANE:

15:07:44 25 Q. If you want, I can get started. I just

15:07:47 1 wanted to give you a minute if you need one.

15:07:50 2 A. You can get started. I'll just look at
15:07:52 3 them as we go.

15:07:53 4 Q. Okay. So on PDF page 1, other than the
15:07:58 5 checks for moving expenses, the first checks to you
15:08:03 6 appear to be for services rendered in December of
15:08:09 7 2010.

15:08:12 8 Does that comport with your recollection
15:08:20 9 of (inaudible) --

15:08:20 10 MR. O'CONNOR: You broke up there.

15:08:20 11 MS. SPILLANE: Sorry. Can the court
15:08:20 12 reporter read back what I -- the question,
15:08:20 13 however much you got, Ms. Diaz.

15:08:41 14 (Record read)

15:08:43 15 BY MS. SPILLANE:

15:08:43 16 Q. Does that comport with your recollection
15:08:44 17 of when you began providing services for Mr. Laura?

15:08:49 18 A. Yes. Right around that time.

15:08:54 19 Q. Okay. And that is a \$5,000 payment that
15:09:03 20 you indicated that you were -- that Mr. Laura had
15:09:07 21 said that he would provide you, is that right?

15:09:09 22 A. Yes. I guess that's it, yes.

15:09:19 23 Q. Okay. And on page 2, there's another
15:09:21 24 payment to you for January 2011 of \$5,000 and then
15:09:28 25 in February of 2011. On page 3, the payment is for

15:09:34 1 \$3,699.17.

15:09:38 2 Do you see that?

15:09:39 3 A. Okay. Yes.

15:09:40 4 Q. Do you have a recollection of your
15:09:45 5 monthly payment changing in or around February
15:09:49 6 2011?

15:09:52 7 A. Yes. Yes.

15:09:55 8 Q. And was that how much you were paid on a
15:09:59 9 monthly basis for the rest of that year?

15:10:03 10 A. Yes. Well, that's supposed to be with
15:10:06 11 the taxes taken out of the 5,000. So basically,
15:10:10 12 the employer tax is taken out. So that's basically
15:10:12 13 my check. It's not like a payroll check, but
15:10:16 14 that's with the 1300 taken out to go towards taxes.

15:10:23 15 Q. Okay. And so your salary for 2011 then
15:10:26 16 was 60,000 less 15,000 in taxes. Was that your
15:10:31 17 understanding?

15:10:32 18 A. Yes, something like that. Exactly.

15:10:36 19 Q. Okay. And then if you turn to page PDF
15:10:43 20 15. I mean, if you want to look at the other
15:10:46 21 checks that we've included there, you're more than
15:10:49 22 welcome to, but my next question will be about
15:10:53 23 payments in 2012 starting at PDF 15.

15:10:57 24 A. Okay. I mean, you're not saying all
15:11:03 25 these checks on here went to me. They just -- some

15:11:05 1 happen to be on the same page with other stuff,
15:11:09 2 right?
15:11:09 3 Q. Correct. Yes.
15:11:10 4 A. Okay.
15:11:11 5 Q. I didn't want to --
15:11:11 6 A. Okay.
15:11:12 7 Q. I didn't want to redact the pages. The
15:11:14 8 questions are about the payments to you --
15:11:17 9 A. Okay.
15:11:18 10 Q. -- personally, unless I ask a different
15:11:20 11 question.
15:11:22 12 A. Okay. We're going down here.
15:11:32 13 Q. So PDF 15 is the first payment from
15:11:35 14 January 2012. It's also for \$3,699.17.
15:11:44 15 A. Okay.
15:11:45 16 Q. So was this also a reflection of your
15:11:50 17 understanding that you were -- your salary was
15:11:54 18 \$60,000 in 2012?
15:11:56 19 A. Yes. It was just like month to month.
15:12:00 20 There was no like -- I was just like, yes, okay,
15:12:03 21 I'm going to get this 3,700 a month. Basically,
15:12:07 22 the rest goes towards taxes.
15:12:09 23 Q. Okay. And if you can turn to PDF 28,
15:12:15 24 please.
15:12:17 25 A. Okay.

15:12:28 1 Q. This is a little hard to read, but if
15:12:29 2 you see the notation on the right, it's for a post
15:12:33 3 date 2013, February 22nd, and the date on this
15:12:38 4 check is January 2013 date.

15:12:43 5 Do you see that?

15:12:44 6 A. Is it the one for 1671?

15:12:48 7 Q. Correct.

15:12:49 8 A. Yes.

15:12:49 9 Q. Okay. Did that payment for 2013 -- did
15:12:54 10 that reflect a -- for 1617, did that reflect a
15:12:58 11 reduction in your salary?

15:13:00 12 A. Yes. At that point, it was just like --
15:13:05 13 it was like I'm going to give you money whenever I
15:13:10 14 can. I'll reimburse you for any expenses you have,
15:13:13 15 and we're just having a very hard time right now
15:13:17 16 financially. And basically -- I don't know if
15:13:22 17 that's exactly when it started, but it might have
15:13:24 18 even been in 2012. But I started getting paid I
15:13:28 19 think in 2012 less. But, yes, this definitely is
15:13:33 20 like, okay.

15:13:35 21 Q. Okay. So just so I understand, you
15:13:38 22 think you might have been -- you might have started
15:13:40 23 getting paid less in 2012.

15:13:44 24 Is that right?

15:13:45 25 A. I'm not really sure. It's 2013. I

15:13:49 1 mean, you can see the checks are smaller here. So
15:13:52 2 I'm not really sure of the exact dates.

15:13:54 3 Q. Okay.

15:13:54 4 A. I just know that after the first year or
15:13:56 5 so, it's just like a lot less.

15:14:03 6 Q. Okay. And you had a conversation with
15:14:04 7 Mr. Laura where he indicated that the company was
15:14:06 8 struggling financially, is that right?

15:14:11 9 A. Yes. And that he couldn't pay me what
15:14:14 10 he was and that he would give me as much work as
15:14:18 11 possible and pay me as much as he possibly could.

15:14:24 12 Q. Okay. And do you recall when that
15:14:25 13 conversation took place?

15:14:29 14 A. No. I wouldn't be able to tell you like
15:14:32 15 the date or anything or even time of year.

15:14:39 16 Q. Okay. Can you give me sort of
15:14:41 17 approximately -- was it before the January 2013
15:14:47 18 payment or after?

15:14:51 19 A. I really couldn't say without -- I'd
15:14:54 20 just be guessing.

15:15:00 21 MS. SPILLANE: Okay. All right. And if
15:15:02 22 you could pull up Exhibit 241, please.

15:15:04 23 (Claimant's Exhibit 241, Check

15:15:04 24 Photocopies, bearing Production Nos.

15:15:04 25 SEC-Northfield-E 496 through 524, was marked

15:15:04 1 for identification)

15:15:05 2 BY MS. SPILLANE:

15:15:06 3 Q. And I think you mentioned in your -- in
15:15:10 4 one of your prior answers that Mr. Laura told you
15:15:12 5 he would be paying you what he could and then
15:15:16 6 expenses.

15:15:18 7 Is that right?

15:15:19 8 A. Yes. But I only had expenses like for
15:15:23 9 the first -- I think it was like for a small
15:15:25 10 portion of 2013 or whatever it was or part of 2012.
15:15:31 11 It was just -- the expenses part was like a small
15:15:35 12 part, but I just declared them on my taxes as
15:15:37 13 income anyway.

15:15:41 14 Q. Okay. And what were the expenses for?

15:15:45 15 A. It was just like -- basically, it was
15:15:47 16 just -- I'm trying to think. I don't even
15:15:52 17 remember. It was for maybe -- I can't really
15:15:55 18 remember at this point.

15:16:02 19 Q. Okay. Do you have any recollection of
15:16:03 20 ever -- of documenting them at the time?

15:16:10 21 A. You know what? Honestly, it's so long
15:16:13 22 ago. I was having such a tough time then. It was
15:16:17 23 like the last thing I was thinking about was
15:16:19 24 expenses or whatever. I was just trying to get by.
15:16:22 25 So I really couldn't tell you an answer and feel

15:16:26 1 comfortable with it.

15:16:34 2 Q. Okay. And do you recall if Mr. Laura
15:16:36 3 ever asked you to document your expenses? .

15:16:42 4 A. He might have, I think. I think he did
15:16:44 5 a long time ago. I think I kept receipts and
15:16:48 6 whatever. And then I think I just -- at some
15:16:49 7 point, I was just like, you know what -- I was down
15:16:53 8 and out. My money situation was terrible. I think
15:16:55 9 I was like, you know what, who cares about this,
15:16:57 10 and just threw them out or whatever. Going through
15:17:01 11 a divorce. I was just -- he probably did tell me
15:17:08 12 to keep track of them, and I probably didn't
15:17:10 13 listen.

15:17:12 14 Q. Okay. And did Mr. Laura ever ask you to
15:17:15 15 work with any kind of accountant or bookkeeper in
15:17:21 16 relation to the work you were doing for him?

15:17:25 17 A. No.

15:17:26 18 Q. Okay. Did you ever tell you that he had
15:17:28 19 an accountant or bookkeeper for Pristec or
15:17:32 20 Innovative Crude Technologies?

15:17:35 21 A. I knew that he did just through hearing
15:17:38 22 stuff and whatever else. I don't know that he told
15:17:41 23 me, but I just knew he had an accountant.

15:17:44 24 Q. Okay. And did he ever ask you to
15:17:46 25 provide any documents to the accountant?

15:17:51 1 A. No. You mean on behalf of Pristec?

15:17:54 2 Q. No. Well, I mean, either on behalf of
15:17:58 3 Pristec or related to any expenses or the
15:18:04 4 compensation that you were receiving.

15:18:06 5 A. Oh, no. No.

15:18:12 6 Q. Okay. And setting aside whether
15:18:14 7 Mr. Laura ever asked you to, did the accountant
15:18:16 8 ever reach out to you and ask you for any
15:18:19 9 documentation?

15:18:19 10 A. No.

15:18:29 11 Q. I think you testified earlier in terms
15:18:31 12 of checks received or payments made by Pristec
15:18:36 13 America versus payments made by Innovative Crude
15:18:40 14 Technologies with respect to the insurance on
15:18:43 15 Mr. Laura's truck. I wanted to ask you the same
15:18:48 16 question with respect to payments made to you.

15:18:51 17 If you look at Exhibit 240, the checks
15:18:53 18 are made out by Pristec America, Incorporated. And
15:18:59 19 in Exhibit 241, they're made out by Innovative
15:18:59 20 Crude Technologies, Incorporated.

15:19:06 21 Do you see that?

15:19:06 22 A. Yes.

15:19:07 23 Q. Do you have any understanding as to why
15:19:12 24 the entity changed?

15:19:15 25 A. No. I have no clue. And I just

15:19:18 1 realized as I was going through some back stuff, I
15:19:21 2 was like, man, these checks were cut from here,
15:19:24 3 from there. I was getting my checks, cashing them
15:19:27 4 and just trying to survive. I have no clue as to
15:19:31 5 why anything is changing on the checks.

15:19:37 6 Q. Okay. I asked you before about whether
15:19:40 7 you ever accompanied Mr. Laura to any off-site
15:19:45 8 storage place for files or anything like that. And
15:19:52 9 you indicated you had not and that your -- let me
15:19:56 10 just ask the question.

15:19:57 11 Are you aware of any other locations
15:20:02 12 besides Mr. Laura's home where he might have been
15:20:05 13 keeping business records?

15:20:08 14 MR. O'CONNOR: Objection. Asked and
15:20:09 15 answered.

15:20:09 16 You can answer it again.

15:20:11 17 A. No, I'm not aware.

15:20:15 18 MS. SPILLANE: Okay. I'm going to have
15:20:17 19 to go off the record briefly.

15:20:18 20 MR. O'CONNOR: Yes. Can we take two
15:20:20 21 minutes? Because it's going to rain and I
15:20:22 22 got to get some --

15:20:22 23 MS. SPILLANE: Yes. We'll go off the
15:20:22 24 record. Can we just go off the record first?

15:20:25 25 MR. O'CONNOR: Yes.

15:20:26 1 THE VIDEOGRAPHER: And we're going off
15:20:27 2 the record at 3:20 p.m.

15:20:28 3 (Recess)

15:25:48 4 THE VIDEOGRAPHER: And we're back on the
15:26:19 5 record at 3:26 p.m.

15:26:21 6 BY MS. SPILLANE:

15:26:21 7 Q. Mr. Martelli, I had asked you about the
15:26:27 8 payments being made from different entities, and I
15:26:31 9 think you testified that you weren't aware of the
15:26:37 10 reasoning for that.

15:26:38 11 Is that correct?

15:26:39 12 A. (No verbal response).

15:26:47 13 Q. I think you may be muted.

15:26:53 14 MR. O'CONNOR: Sorry about that.

15:26:54 15 A. Yes, I was aware of that -- I wasn't
15:26:58 16 aware of that. I'm not sure.

15:26:59 17 BY MS. SPILLANE:

15:26:59 18 Q. Sorry. The question was whether you
15:27:00 19 were aware of the reasoning for the payment from
15:27:02 20 the different entities.

15:27:03 21 A. Oh, no.

15:27:08 22 Q. Okay. And so did your duties change at
15:27:10 23 all depending on which entity was paying you?

15:27:18 24 A. No. Same thing.

15:27:22 25 MS. SPILLANE: Okay. Okay. Can you

15:32:33 1 I'm not sure.

15:32:34 2 BY MS. SPILLANE:

15:32:34 3 Q. Okay. So you don't have any

15:32:35 4 recollection of receiving --

15:32:38 5 A. No, I don't.

15:32:38 6 Q. -- checks made out to cash?

15:32:40 7 A. I can't really recall.

15:32:43 8 Q. Okay. All right. So if you could go to
15:32:49 9 page PDF 13 of the document.

15:32:53 10 A. Okay.

15:33:00 11 Q. This appears to be the beginning of
15:33:02 12 January 2015 -- sorry -- payments in 2015.

15:33:07 13 A. Yes.

15:33:07 14 Q. Do you have any --

15:33:09 15 A. No, I don't.

15:33:13 16 Q. Do you recall how much you were paid in
15:33:14 17 2015?

15:33:17 18 A. Not exactly. Probably around the same.

15:33:19 19 I mean, I never really made more than 35,000.

15:33:24 20 Maybe one year. Something like that. This year, I

15:33:28 21 think I -- I don't remember specifically, but I

15:33:30 22 think he gave me just a couple of just big checks,

15:33:33 23 because he wouldn't pay for me three months or

15:33:36 24 something like that, then he'd hit me with a big

15:33:39 25 check. I remember it was like not cool.

15:33:42 1 Q. Okay. I'm sorry. When you say "this
15:33:44 2 year," you're referring to 2015?

15:33:46 3 A. Yes.

15:33:50 4 Q. Okay. And so which don't have to go
15:33:52 5 through all the other pages, but if you want, we
15:33:55 6 can look at 2016. But my question is going to be
15:33:57 7 the same, which is: Do you recall how much you
15:33:59 8 were paid in 2016?

15:34:00 9 A. Yes. Again, it was not much. It was
15:34:03 10 probably -- I don't want to say exactly, but it
15:34:06 11 was -- I'm just saying around 30, because I
15:34:09 12 remember when I filed -- one year it was like 25;
15:34:13 13 one year it was 35; one year it was 32; one year it
15:34:17 14 was 28. So I'm just giving you an estimate.
15:34:18 15 That's it.

15:34:23 16 Q. Okay. If you scroll to page 35, that
15:34:26 17 seems to be the beginning of payments made in 2017.

15:34:30 18 A. Okay.

15:34:34 19 MS. SPILLANE: And then if you pull up
15:34:38 20 Exhibit 243 --

15:34:44 21 (Claimant's Exhibit 243, Check
15:34:44 22 Photocopies bearing Production Nos. SEC-TBD-E
15:34:45 23 69 through 76, was marked for identification)

15:34:52 24 THE WITNESS: Is that 243?

15:34:54 25 MR. O'CONNOR: Oh, I'm sorry. I thought

15:35:02 1 you said -- I'm sorry. All right. 243, here
15:35:02 2 we go.

15:35:08 3 THE WITNESS: Yes. Okay.

15:35:10 4 BY MS. SPILLANE:

15:35:11 5 Q. Okay. So on 242, that last page we
15:35:15 6 looked at is a January payment for \$2,000 and then
15:35:21 7 additional payments coming from a different bank
15:35:23 8 account which is represented -- again a composite
15:35:30 9 exhibit, Exhibit 243 --

15:35:30 10 A. Sure.

15:35:33 11 Q. -- from TD Bank.

15:35:34 12 A. Okay.

15:35:34 13 Q. Do you recall in 2017 also being paid
15:35:37 14 from both Bank of America account and then a TD
15:35:42 15 Bank account?

15:35:42 16 A. As far as recall goes, I would not
15:35:44 17 remember where my checks were from. But I know
15:35:47 18 during that year, I got some big checks, like a
15:35:52 19 couple big ones, because it was just like so -- I
15:35:58 20 still didn't make that much that year overall
15:36:01 21 anyway.

15:36:01 22 Q. Okay. In Exhibit 243, you can see the
15:36:05 23 payments are once again being made by Pristec
15:36:10 24 America, Incorporated.

15:36:10 25 A. Yes.

15:36:10 1 Q. Do you see that?

15:36:11 2 A. Yes.

15:36:11 3 Q. Do you have any -- did you have any
15:36:13 4 understanding at the time as to why you were -- why
15:36:17 5 the payments were then being made again by Pristec
15:36:21 6 America compared to 2017 when they were -- earlier
15:36:24 7 in 2017 when they were being paid by Innovative
15:36:29 8 Crude Technologies?

15:36:29 9 A. To be honest with you, I was so happy to
15:36:31 10 get a check at that point, to get those checks. I
15:36:35 11 didn't care. It could have said John Wayne paid me
15:36:38 12 that. I wouldn't have noticed.

15:36:42 13 MS. SPILLANE: Okay. Can I ask you to
15:36:44 14 pull up Exhibit 244, please?

15:36:46 15 (Claimant's Exhibit 244, 2012 Form W-3
15:36:46 16 bearing Production Nos. SEC-SciarrinoJ-E 555
15:36:47 17 through 567, was marked for identification)

15:36:51 18 THE WITNESS: Sure.

15:36:52 19 BY MS. SPILLANE:

15:36:52 20 Q. Just let me know when you're ready?

15:37:00 21 A. Ready.

15:37:01 22 Q. Okay. Do you recognize the document at
15:37:05 23 Exhibit 244?

15:37:08 24 A. I mean, it was so long ago. I mean, I
15:37:13 25 guess it's a W-2 or W-3 it says. W-2, yes. It was

15:37:21 1 so long ago, because it doesn't even have my right
15:37:24 2 address on it.

15:37:25 3 Q. That for 2000 -- do you see in the
15:37:29 4 middle of the page it indicates 2012?

15:37:32 5 A. Yes, I see that.

15:37:34 6 Q. Do you see that?

15:37:35 7 A. Yes.

15:37:35 8 Q. Okay. And you're free to scroll through
15:37:38 9 the document, but if you can tell me if there's any
15:37:42 10 other items in the document that appear to relate
15:37:45 11 to any other year besides 2012.

15:37:53 12 A. Yes. No. It looks like it's 2012.

15:37:56 13 Q. Okay. And do you have a recollection of
15:38:00 14 having seen this document before or any portion of
15:38:03 15 it?

15:38:05 16 A. No, not really, to be honest with you.

15:38:09 17 Q. Okay. Do you remember receiving a W-2?
15:38:12 18 If you scroll to page PDF 2, a W-2 that looked like
15:38:16 19 similar to the one that's on PDF 2 of Exhibit 244?

15:38:22 20 A. You know what? I don't have that
15:38:24 21 anywhere in my files. But when I tried to contact
15:38:26 22 the old accountant that we used, they said they
15:38:30 23 couldn't even go back in the 2000- -- anywhere
15:38:33 24 before like 2013 or '14 for me. So I had to just
15:38:37 25 -- just recently. So I haven't seen this, no.

15:38:46 1 Q. Okay. Okay. All right. So I was going
15:38:47 2 to ask you if you have any understanding as to why
15:38:49 3 it indicates your wages of 24,000 for 2012.

15:38:57 4 A. No. It's so long ago, I don't even
15:39:00 5 remember.

15:39:01 6 Q. Okay. This does not change your
15:39:03 7 recollection as to your base salary in 2012 being
15:39:10 8 \$60,000, correct?

15:39:12 9 A. I don't know. I don't remember if my
15:39:13 10 salary was that much in 2012. Like I said, the
15:39:17 11 first year I was here, 2011, was the year that I
15:39:23 12 got paid properly. And after that, it was just
15:39:25 13 like -- it was get money when you can. It was more
15:39:30 14 sporadic. I couldn't tell you thinking back ten
15:39:33 15 years. I just know the first year felt like the
15:39:36 16 only good year. That was it.

15:39:41 17 Q. The first year being 2011?

15:39:43 18 A. Yes, the first year of 2011. I felt
15:39:46 19 like after that, I just kind of wasn't getting paid
15:39:51 20 as much as I should have.

15:39:54 21 Q. Okay. Do you recall seeing -- ever
15:39:58 22 receiving any W-2s for 2010 or for any of the years
15:40:05 23 where you understood yourself to be an employee?

15:40:09 24 A. Yes. I mean, I think -- I don't have
15:40:14 25 any of that, because I just went to the accountant

15:40:18 1 guy, and he told me whatever, had me sign some
15:40:22 2 documents, and that was it. They never actually
15:40:24 3 even sent me copies of my 2010 or 2011 or any of
15:40:29 4 those tax returns.

15:40:32 5 Q. Okay. All right. I just -- so just in
15:40:36 6 terms of the amount of 24,000 that's listed on this
15:40:39 7 one for -- on Exhibit 244 for wages for 2012 --

15:40:48 8 A. Okay.

15:40:49 9 Q. -- I think you had testified earlier, I
15:40:56 10 would have to go back, but that your payment, you
15:41:00 11 understood it to be 60,000 as salary, but you were
15:41:06 12 only receiving \$3,699.17 a month in reflection of a
15:41:14 13 withholding of taxes.

15:41:15 14 Is that not your recollection?

15:41:16 15 MR. O'CONNOR: Objection. Misstates
15:41:18 16 testimony.

15:41:19 17 A. Yes. I don't remember.

15:41:22 18 BY MS. SPILLANE:

15:41:22 19 Q. Okay. Well, the checks will show what
15:41:24 20 they show. So let me just ask you. If it's the
15:41:26 21 case that you were paid that your salary and that
15:41:31 22 your payments were more than 24,000 that's
15:41:35 23 indicated on this W-2, do you have any
15:41:38 24 understanding of why that would be?

15:41:42 25 A. No.

15:41:45 1 Q. Okay. And did anyone -- did Mr. Laura
15:41:47 2 talk to you about this W-2 in 2012 or 2013?

15:41:51 3 A. Honestly, I can't remember that far
15:41:53 4 back, to be honest with you, specific stuff.

15:41:58 5 Q. Okay. You don't have any recollection
15:41:59 6 of having that conversation with Mr. -- any kind of
15:42:03 7 conversation about it with Mr. Laura?

15:42:07 8 A. No.

15:42:07 9 Q. Okay. And I think you testified that at
15:42:21 10 some point, you started receiving 1099s, is that
15:42:26 11 right?

15:42:26 12 A. I never received one, but --

15:42:35 13 Q. Understood. Okay. So I must have in
15:42:38 14 fact misunderstood.

15:42:39 15 At some point, you stopped -- you
15:42:40 16 understood that you were no longer an employee, but
15:42:44 17 that you were -- what did you understand your
15:42:46 18 status to be at that point?

15:42:48 19 A. Basically, that I was going to be like a
15:42:51 20 consultant or a 1099 at that point.

15:42:58 21 Q. Okay. What was the conversation with --
15:42:59 22 was that a conversation with Mr. Laura?

15:43:01 23 A. Yes. Again, it's like so long ago. I
15:43:04 24 just -- I mean, I remember him saying, "Hey,
15:43:08 25 listen, we can't afford to pay you what we were

15:43:11 1 paying you before, and you're going to have to
15:43:14 2 basically be paid as a consultant instead." So
15:43:21 3 that's when I went back and filed all my own tax
15:43:25 4 returns and everything else.

15:43:28 5 Q. Okay. Do you remember when that
15:43:30 6 conversation with Mr. Laura was?

15:43:36 7 A. No.

15:43:36 8 Q. Okay. But you never in fact received
15:43:38 9 any 1099s?

15:43:39 10 A. No.

15:43:50 11 Q. Okay. All right. So was there anything
15:43:52 12 in relation to the car payments or the car
15:43:57 13 insurance that was included as part of your tax
15:44:03 14 filings, whether at the time or the ones you did
15:44:06 15 recently?

15:44:08 16 A. I did not understand that question. Can
15:44:10 17 you ask it again?

15:44:12 18 Q. Right. I know that you -- let me ask it
15:44:15 19 this way.

15:44:16 20 I think you testified when we were
15:44:17 21 looking through the bank records that there were
15:44:19 22 some expenses that you had included, some checks
15:44:25 23 paid to you for expense reimbursements that you had
15:44:29 24 included in your recent tax filings.

15:44:32 25 Do you remember that?

15:44:36 1 A. No.

15:44:42 2 Q. Okay. So let me ask it this way then.

15:44:45 3 Did you include any of the -- all of the
15:44:46 4 checks that you received from Pristec America or
15:44:48 5 Innovative Crude Technologies, were they all
15:44:51 6 included in your tax filings?

15:44:53 7 A. In my new tax filings? Like you mean
15:44:59 8 all the stuff I told you I just did?

15:45:02 9 Q. Yes. Either the ones you did
15:45:04 10 contemporaneously or for the later years --

15:45:04 11 A. Yes.

15:45:06 12 Q. -- the ones you did recently.

15:45:07 13 A. Yes. Yes. I had to go through --

15:45:07 14 Q. Okay.

15:45:10 15 A. I mean, it took me forever, but...

15:45:14 16 Q. Okay. And so did that include the
15:45:16 17 advances and the expense reimbursements that we saw
15:45:20 18 from your move to New Jersey it?

15:45:28 19 A. I don't think so. I mean, that would
15:45:29 20 have been before. I don't know. That was 2011,
15:45:32 21 2012. I only filed back taxes not that far back.

15:45:37 22 Q. Okay. And any of the payments that
15:45:42 23 Mr. Laura made on -- I should say that Mr. Laura
15:45:49 24 directed from business accounts to either the car
15:45:52 25 loan or the car insurance. Were any of those

16:17:36 1 A. Okay.

16:17:37 2 Q. Is this a message from you to Mr. Laura?

16:17:40 3 A. Yes.

16:17:41 4 Q. Okay. And it says, "Hey, Joe hope you

16:17:45 5 are having fun."

16:17:47 6 Do you recall what Mr. Laura -- or what

16:17:50 7 you understood Mr. Laura was doing as of July 24th,

16:17:53 8 2007?

16:17:54 9 A. No. He could have been on vacation. I

16:18:02 10 don't know.

16:18:02 11 Q. Okay. You didn't have the perception

16:18:04 12 that he was working at the time, is that right?

16:18:05 13 A. No. Not when I sent that text, I guess.

16:18:11 14 I said unless --

16:18:11 15 Q. Okay.

16:18:12 16 A. Yes. No.

16:18:14 17 Q. Okay. I'm just asking because it's a

16:18:16 18 Monday. And you said he's having fun, so maybe you

16:18:19 19 had a recollection of what Mr. Laura was doing at

16:18:25 20 the time.

16:18:25 21 You ask him, "Will you let me know if we

16:18:29 22 have money to make this truck payment."

16:18:31 23 Do you have a recollection of what the

16:18:33 24 message was concerning?

16:18:35 25 A. Of what the message I wrote to him was

16:18:38 1 concerning?

16:18:38 2 Q. Yes.

16:18:42 3 A. I needed money to make his truck
16:18:45 4 payment.

16:18:45 5 Q. The truck was as of July 2017 still --
16:18:51 6 the loan for the truck was still under your wife's
16:18:53 7 name as of July 2017?

16:18:55 8 A. Yes. Yes. It must have been like the
16:18:58 9 very end of it or something.

16:19:02 10 Q. Okay. And then the next -- there seems
16:19:07 11 to be a repeat of the same --

16:19:09 12 A. Yes. I sent it twice by accident.
16:19:12 13 Sorry.

16:19:12 14 Q. -- message.

16:19:14 15 Oh, that's okay. And then on PDF page
16:19:17 16 4, it seems to be a reply on August 8, 2017.

16:19:28 17 Do you see that?

16:19:28 18 A. Yes.

16:19:29 19 Q. Okay. And is that Mr. Laura with the
16:19:34 20 sort of grayed out -- the light gray text bubble?

16:19:39 21 A. Yes. He's in the gray.

16:19:41 22 Q. Okay. "Thanks, Joe."

16:19:43 23 A. Yes.

16:19:43 24 Q. "Do you know how many payments are left
16:19:45 25 on the truck?"

16:19:45 1 Okay. So for all of these messages, is
16:19:48 2 it the case that Mr. Laura's messages to you are on
16:19:52 3 the left, in the sort of light gray bubble with the
16:19:55 4 purple on this document, purple J?

16:19:59 5 A. Yes.

16:20:00 6 Q. And your responses -- or your
16:20:01 7 communications are in the greenish/bluish bubble?

16:20:10 8 A. Yes.

16:20:11 9 Q. Okay. All right. So then Mr. Laura was
16:20:15 10 asking you how many payments are left on the truck?

16:20:19 11 A. Yes.

16:20:19 12 Q. And you respond, "We owe 1,881. Total
16:20:24 13 11,559"?

16:20:27 14 A. Yes. Was it -- yes, because he was
16:20:29 15 behind in the payment. So that's me trying to get
16:20:35 16 on him, because I could see we're about to go 30
16:20:39 17 days late. So I'm telling him we owe basically two
16:20:41 18 months' payment, or if you want to pay -- he asked
16:20:43 19 how much. I said, "You want to pay the whole thing
16:20:46 20 off? It's 11,000, I guess, left."

16:20:47 21 Q. Okay. As of August 2017, there was
16:20:49 22 \$11,600 left on the car payment for the -- was it
16:20:58 23 still the white Chevy Tahoe truck we're talking
16:21:02 24 about?

16:21:03 25 A. Yes. Yes.

16:21:11 1 Q. Okay. And then you send Mr. Laura a
16:21:16 2 handful of messages.

16:21:17 3 A. Right.

16:21:18 4 Q. August 15th, 2017, "Hey, Joe." "Hey,
16:21:27 5 good morning, Joe. How is everything going?" On
16:21:30 6 September 2017, "Hey, Joe." September 15th, 2017,
16:21:33 7 "Hey, Joe. What's going on with you? How is
16:21:35 8 everything going?"

16:21:40 9 And so were there no responses from
16:21:43 10 Mr. Laura in between any of these messages?

16:21:45 11 A. Yes. Exactly. No responses.

16:21:51 12 Q. Okay. And do you have a recollection of
16:21:52 13 whether the car payments that were due had been
16:21:56 14 made or were you still trying to pursue them at
16:22:00 15 this point?

16:22:00 16 A. I couldn't tell you honestly, but, you
16:22:03 17 know, most likely, if I'm texting that many times,
16:22:07 18 I'm trying to get something that I need. So I
16:22:16 19 don't know if the truck payments were made.

16:22:16 20 Q. Okay. All right. And page 6, there
16:22:20 21 doesn't seem to be a date associated with --

16:22:20 22 A. Okay.

16:22:25 23 Q. There isn't a date on the top of these
16:22:29 24 messages.

16:22:29 25 Do you know what the date of these

16:22:31 1 messages concerning -- it seems to be about a
16:22:34 2 communication from Katie to Mr. Laura.

16:22:37 3 Is that a reference to your wife, or
16:22:39 4 your ex-wife?

16:22:39 5 A. Yes. Yes.

16:22:41 6 Q. Okay. Do you know what dates are these
16:22:43 7 messages from?

16:22:45 8 A. I can look real quick on my phone. I
16:22:47 9 just have to turn it on.

16:22:50 10 Q. Sure. And do you recall what she was
16:23:00 11 e-mailing to Mr. Laura?

16:23:03 12 A. It had to be something that had to do
16:23:05 13 with the truck, because otherwise she had no real
16:23:10 14 communication with him.

16:23:10 15 Q. Okay.

16:23:14 16 A. Or it could have been the truck or the
16:23:15 17 insurance. I don't know, but it had to do with one
16:23:19 18 of those two things, I'm sure.

16:23:24 19 Q. Okay. And do you have a date for that?

16:23:25 20 A. Sorry. My phone is barely turning on.

16:23:31 21 Q. All right. Well, maybe your counsel can
16:23:33 22 look into that while we're discussing.

16:23:39 23 A. Okay.

16:23:39 24 Q. It seems to be around messages after a
16:23:43 25 September 15th message on PDF 5 here.

16:23:50 1 A. Right. I'm gone.

16:23:53 2 Q. And then before September 29th messages.

16:24:07 3 MR. O'CONNOR: I think you can search by

16:24:11 4 a word. Search Katie.

16:24:16 5 THE WITNESS: It would just be with an

16:24:21 6 I. Okay.

16:24:23 7 BY MS. SPILLANE:

16:24:23 8 Q. Okay. On PDF page 7, there's a message

16:24:28 9 from you on September 29, 2017.

16:24:33 10 A. Yes.

16:24:33 11 Q. "I just wanted to let you know, I called

16:24:36 12 the collection agency, and they gave me until

16:24:38 13 Wednesday to pay the \$560 before they file a

16:24:42 14 judgment on me."

16:24:43 15 What's that a reference to?

16:24:44 16 A. That was probably a reference to one of

16:24:48 17 my own personal medical collections that I had.

16:24:51 18 And that's basically me just trying to get money,

16:24:55 19 get paid from Joe. Like, hey, do you have money to

16:24:57 20 pay me right now, because I have a deadline for

16:25:00 21 something I need to put in before it causes me

16:25:03 22 problems. That's what that is.

16:25:05 23 Q. Okay. And then you say, "I hope

16:25:06 24 everything went okay with the truck."

16:25:08 25 What's that a reference to?

16:25:10 1 A. Honestly, I have no clue. I hope
16:25:13 2 everything -- maybe he had to fix the truck. I
16:25:15 3 don't know. Maybe -- maybe -- I don't know what
16:25:19 4 that is.

16:25:21 5 Q. Okay. And then on PDF 8, there's a
16:25:24 6 message, October 9th, 2017. That refers to some
16:25:33 7 pull violations --

16:25:33 8 A. Okay.

16:25:34 9 Q. -- you got on the PA Turnpike.

16:25:34 10 A. Yes.

16:25:37 11 Q. Do you see that?

16:25:38 12 A. Yes. That's --

16:25:38 13 Q. Okay.

16:25:40 14 A. Go ahead. Sorry.

16:25:41 15 Q. What's that a reference to?

16:25:42 16 A. Let's see. That's me trying to pay a
16:25:51 17 toll violation for whatever reason that was sent to
16:25:58 18 me from one of our trips or something.

16:26:00 19 Q. And why would the toll violation be sent
16:26:03 20 to you?

16:26:04 21 A. Because my wife -- the EZ Pass was in
16:26:09 22 her name as well.

16:26:13 23 Q. Okay. And you indicate in the message
16:26:15 24 that, "Hey, some of these toll violations you got
16:26:18 25 on the PA Turnpike."

16:26:20 1 Do you have a recollection that it was
16:26:22 2 Mr. Laura who was driving for those violations?

16:26:26 3 A. You know, I mean, that's what it looks
16:26:28 4 like I wrote, but I don't -- I wouldn't have a
16:26:30 5 recollection of a 2017 toll violation.

16:26:30 6 Q. Okay.

16:26:36 7 A. I found the date on those texts from
16:26:38 8 before. I don't know if you want to now.

16:26:39 9 Q. Sure. These are the texts on PDF 6 of
16:26:44 10 Exhibit JM-1.

16:26:45 11 A. Yes. Where it says, "Yes, she's in
16:26:49 12 bed." Yes. That's Wednesday, September 27th.

16:26:57 13 Q. Seeing that date, does that refresh your
16:26:59 14 recollection as to what the messages might have
16:27:00 15 been concerning?

16:27:06 16 A. As far as? Let's see.

16:27:10 17 Q. I think your testimony was it must have
16:27:11 18 had something to do with the truck.

16:27:11 19 A. Yes.

16:27:13 20 Q. But I just wanted to know whether -- now
16:27:16 21 that you understand the exact date, whether it
16:27:19 22 refreshes your recollection as to what the messages
16:27:22 23 concern?

16:27:22 24 A. Oh, no. The date doesn't help me on
16:27:27 25 this.

16:27:27 1 Q. What specifically --

16:27:27 2 A. No. But I'm pretty sure it has to do
16:27:29 3 with the truck, because anything that has to do
16:27:31 4 with my wife or him would have to do with his
16:27:34 5 truck.

16:27:35 6 Q. Okay. I meant to ask you a question
16:27:36 7 before the reference to the PA Turnpike reminded
16:27:41 8 me.

16:27:41 9 Mr. Laura has a daughter who went to
16:27:45 10 college in Pennsylvania, is that right?

16:27:46 11 A. Yes.

16:27:47 12 Q. Okay. And did you do any driving
16:27:51 13 related to visits to Mr. Laura's daughter while she
16:27:59 14 was there in college?

16:28:01 15 A. You know what? I don't think so. I
16:28:05 16 mean, you mean going up there to visit or
16:28:07 17 something? No.

16:28:11 18 Q. Okay. Well, no. Whether you drove
16:28:12 19 Mr. Laura when Mr. Laura was going to visit her or
16:28:16 20 family members were going to visit her?

16:28:17 21 A. No. Not that I can remember, I mean.

16:28:22 22 Q. All right. And then further on page PDF
16:28:25 23 8, on October 10th, 2017, there's a message from
16:28:29 24 you. "Also the truck insurance is due by Friday."

16:28:34 25 A. Yes.

16:28:35 1 Q. Do you see that?

16:28:35 2 A. Yes.

16:28:39 3 Q. Okay. So then is it fair to say that at
16:28:42 4 least as of October 10th, 2017, that it appears the
16:28:46 5 truck insurance was still in your and your wife's
16:28:51 6 name -- your ex-wife's name?

16:28:53 7 A. Yes. It would have been until he paid
16:28:56 8 the truck off.

16:29:00 9 Q. Understood.

16:29:01 10 And then I just want to ask. So between
16:29:03 11 September 29th, you sent the message about your
16:29:06 12 medical payments and the truck and October 9th
16:29:10 13 about E-ZPass toll violations Mr. Laura had
16:29:15 14 gotten --

16:29:15 15 A. Yes.

16:29:16 16 Q. -- and then the truck insurance sent on
16:29:17 17 October 10th, 2017.

16:29:19 18 A. Right.

16:29:20 19 Q. And so -- and then we go on to October
16:29:26 20 12th, on PDF 9, and there's a response from
16:29:29 21 Mr. Laura.

16:29:33 22 Should I understand then that there were
16:29:34 23 no responses to your texts about the various
16:29:40 24 payments that were owed from September 29th --

16:29:40 25 A. Yes. No.

16:29:44 1 Q. -- through October 11th?

16:29:45 2 A. No. He may have called me back. Sorry.

16:29:51 3 He may have called me back, but any texts that he

16:29:53 4 would have texted would have been right there. I

16:29:57 5 mean, you know, if it's -- he's not the fastest

16:30:01 6 person to call back, you know, or to respond. But

16:30:05 7 I'm sure he called me at some point, because

16:30:07 8 everything wound up getting paid, so...

16:30:10 9 Q. Okay. And so on these -- I'm just

16:30:19 10 wondering, were you working for Mr. Laura on these

16:30:22 11 days when you sent him text messages?

16:30:26 12 A. No. If I'm telling him, you know,

16:30:32 13 whatever it is, I'm asking about a payment or

16:30:34 14 saying I need money, then most likely I'm not

16:30:37 15 working with him on that day, because I'd be asking

16:30:39 16 him in person.

16:30:40 17 Q. Okay. And then on PDF 9, which is where

16:30:47 18 Mr. Laura responds to you on October 12th --

16:30:49 19 A. Yes.

16:30:50 20 Q. -- and he indicates that he's in

16:30:56 21 Houston --

16:30:57 22 A. Yes.

16:30:57 23 Q. And it doesn't seem to have a

16:31:02 24 substantive response to what you wrote, unless

16:31:08 25 there's any missing messages there.

16:31:10 1 A. No. That's just him telling me that he
16:31:13 2 won't be back until the next day. So basically,
16:31:17 3 I'm not going to get a response until then, because
16:31:20 4 he was in Houston.

16:31:20 5 Q. Did Mr. Laura generally let you know
16:31:23 6 when he was traveling so that you would have been
16:31:28 7 aware of his travel schedule generally or --

16:31:31 8 A. Yes. I mean, most of the time. Not
16:31:34 9 always. Obviously, I didn't know at this point.
16:31:38 10 But earlier on, he did more often than this. As
16:31:42 11 time went by, maybe not as much. But, yes, most of
16:31:44 12 the time, I knew if he's going somewhere.

16:31:47 13 Q. Okay. And then let's see, PDF 10,
16:31:52 14 October 20th, 2017, "I'm texting you to let you
16:31:59 15 know the truck is due by Monday."

16:32:01 16 Is that a reference to a payment on the
16:32:03 17 truck due on Monday?

16:32:04 18 A. Yes. Yes.

16:32:08 19 Q. Okay. And you say, "And I really need
16:32:10 20 to pay my landlord something"?

16:32:12 21 A. Yes. Again, that's me trying to get
16:32:18 22 paid some kind of which way. It was basically to
16:32:21 23 the point where I was like, listen, if you don't
16:32:23 24 pay me soon or give me some sort of money for what
16:32:27 25 I've done, then I'm in trouble here. That's me

16:32:30 1 begging over here.

16:32:33 2 Q. Okay. Yes. And then your next message
16:32:35 3 is October 22nd, "Joe, are you still alive? My
16:32:40 4 life is in shambles."

16:32:43 5 What's that a reference to?

16:32:44 6 A. That's just a reference to me not
16:32:48 7 getting paid -- not getting paid properly or not
16:32:55 8 getting paid enough and just me and my wife having
16:33:00 9 problems, on the verge of getting divorced, all
16:33:02 10 because I'm working for this company hanging in
16:33:04 11 there. And I got to a breaking point where I was
16:33:08 12 like, listen, man, you either have a place for me
16:33:12 13 or you don't. I just basically got fed up, because
16:33:17 14 I couldn't even pay my rent, basically.

16:33:22 15 Q. Right. And so is that message an
16:33:23 16 indication that you hadn't heard from Mr. Laura in
16:33:27 17 response to a substantive response about the
16:33:32 18 various monies that were due and your personal debt
16:33:39 19 situation -- or personal collections and landlord
16:33:41 20 payment situation?

16:33:43 21 A. Probably. Probably. If I was that
16:33:46 22 dramatic in it, then it was probably, because I
16:33:49 23 didn't have a response in a timely fashion for me.

16:33:53 24 Q. Okay. And then Mr. Laura responds that
16:33:57 25 he's in Canada.

16:33:58 1 Do you see that?

16:33:59 2 A. Yes.

16:34:02 3 Q. Okay. And so just from the messages
16:34:06 4 from October, it looks like you weren't aware that
16:34:09 5 Mr. Laura was in Houston and then in Canada. It
16:34:12 6 appears like you weren't -- in October, it appears
16:34:15 7 that you weren't aware that he was in Canada.

16:34:19 8 Is that right?

16:34:20 9 A. I mean, "In Canada, I'll be back,"
16:34:22 10 that's what it appears from the text messages.

16:34:25 11 Q. Okay. And had you known that he was
16:34:28 12 away for either of those visits?

16:34:32 13 A. To be honest with you, he traveled so
16:34:38 14 much for business or whatever else. And like I
16:34:41 15 said, I wouldn't go with him on any of those trips.
16:34:44 16 So it was a pretty common occurrence, him
16:34:48 17 travelling out and then -- most of the time, he
16:34:50 18 would tell me. But at this point, he didn't
16:34:53 19 apparently.

16:34:54 20 Q. Okay. All right. And then on PDF 11,
16:34:57 21 there's another message from you, November 4th,
16:35:02 22 2017, about Katie, your ex-wife, having received a
16:35:08 23 failure to appear in the mail. Some ticket from
16:35:11 24 Newark. It says to pay \$55 by the 7th or there
16:35:15 25 will be a warrant and a lose of license.

16:35:19 1 Do you have a recollection of what this
16:35:22 2 message was about?

16:35:24 3 A. It must have been some sort of ticket
16:35:27 4 that somebody got on the truck for \$55 and then
16:35:31 5 apparently -- I don't really know what it was. I
16:35:35 6 would always try and get him to pay these things,
16:35:39 7 get it done ahead of time so we wouldn't have any
16:35:42 8 problems, but I'm not sure exactly which ticket
16:35:45 9 that refers to.

16:35:48 10 Q. Okay. Were there multiple tickets that
16:35:52 11 you remember? I know we saw in one of the earlier
16:35:55 12 pages about some toll violations. So it sounds
16:35:58 13 like all the tickets and toll violations associated
16:36:02 14 with the truck that Mr. Laura was driving would go
16:36:06 15 to you or your wife, is that right?

16:36:08 16 A. Yes. Honestly, I think like at that
16:36:12 17 time there was like -- Joe had such little money --
16:36:15 18 I mean, I don't know this for sure, but I think the
16:36:18 19 company or Joe just had no money. And basically,
16:36:21 20 what would happen is he wouldn't have any money in
16:36:24 21 his account. So when it would go to renew on the
16:36:29 22 E-ZPass, it would just not renew. And then I'd be
16:36:33 23 driving through or we'd be driving somewhere and
16:36:36 24 wouldn't know and then it would send us like
16:36:40 25 20 violations at one time.

16:36:43 1 Q. Okay. And his response is, "Okay. Pay
16:36:47 2 it on my card."

16:36:49 3 Do you see that?

16:36:50 4 A. Yes. Yes, I see it.

16:36:51 5 Q. What does that mean?

16:36:55 6 A. It probably meant that he -- at the time
16:36:58 7 that maybe I had a credit card of his or something
16:37:00 8 that I had written down on paper and that he was
16:37:03 9 probably like pay it on a card or a pay it on that
16:37:06 10 card.

16:37:07 11 Q. Okay. Was that a frequent occurrence
16:37:12 12 where he would instruct you to make payments from
16:37:15 13 his credit card?

16:37:15 14 A. No, not frequent. Just if it was
16:37:19 15 something like this where I would tell him like,
16:37:21 16 hey, listen, this has got to be paid. We can't
16:37:24 17 mail it in. Basically, I'm putting there, there
16:37:27 18 could be a warrant or a loss of license. But then
16:37:30 19 he might say use a card. Normally, no.

16:37:33 20 Q. Okay. Do you have a recollection of
16:37:39 21 having had either a card of his or a number that
16:37:43 22 connected to his -- Mr. Laura's personal credit
16:37:46 23 card or was it a business credit card?

16:37:48 24 A. Honestly, I couldn't tell you. It was
16:37:53 25 three years ago. I probably had it written down on

16:37:55 1 a piece of paper that he gave me to maybe use it
16:37:58 2 for something else before, and then I just kept it
16:38:01 3 just in case there was an emergency or I had to use
16:38:03 4 it. But any card that I ever had written down of
16:38:08 5 his was either canceled or done with.

16:38:10 6 Q. Okay. And did you ever -- let me ask it
16:38:17 7 this way.

16:38:18 8 You never used any number or card of his
16:38:21 9 without his permission, correct?

16:38:23 10 A. No, of course not. Correct.

16:38:27 11 Q. Okay. All right. And then on PDF 12,
16:38:34 12 it looks like -- well, if you scroll back to PDF
16:38:37 13 11, there's an indication of Monday, November 13th.
16:38:42 14 So we have a Tuesday, November 7th, with a "Good
16:38:44 15 morning, Joe." No response. And then a Monday,
16:38:49 16 November 13, 2017 text from you, "I'm trying to
16:38:54 17 reach you multiple times. Your truck payment is
16:38:57 18 due. The insurance was due. My landlord is going
16:39:00 19 to evict us because he thinks I am full of shit."

16:39:03 20 Do you see that?

16:39:04 21 A. I see it, yes. It's bringing back great
16:39:07 22 memories.

16:39:08 23 Q. Okay. Is that sarcastic?

16:39:12 24 A. Yes. Yes.

16:39:13 25 Q. Those were not great memories, is that

16:39:16 1 correct?

16:39:16 2 A. No, not great. Not good memories at
16:39:18 3 all, yes.

16:39:24 4 Q. Okay. And so can you explain what you
16:39:26 5 meant by this message to Mr. Laura?

16:39:30 6 A. I was just basically getting to the
16:39:32 7 point where I was just saying like, hey, man,
16:39:33 8 either you come up with some of the money that
16:39:35 9 you're supposed to have paid me for what I've been
16:39:38 10 doing or basically we're in trouble here. I'm
16:39:44 11 about to lose my -- I'm about to get evicted. We
16:39:48 12 were behind on our rent. I mean, it was a bad
16:39:50 13 situation for us. So I was just trying to get it
16:39:52 14 across that, hey, I need some money now or else I
16:39:56 15 have to go somewhere else. We have to move. We
16:39:58 16 have to do something.

16:40:00 17 Q. What do you mean, "we have to move"?

16:40:02 18 A. Well, like if I wasn't getting paid, I
16:40:05 19 couldn't afford my house. I mean, my wife had a
16:40:09 20 job as a waitress, but she couldn't afford all on
16:40:12 21 her own. So I would have had to get out.

16:40:20 22 Q. Okay. On PDF page -- it looks like 14,
16:40:24 23 I think. It's not showing up which page it is. I
16:40:27 24 guess it's also PDF page 13. There's messages that
16:40:31 25 start with, "Hey, Joe. Just wanted to let you know

16:40:34 1 the truck is due by 4:00 today." But I don't see a
16:40:37 2 date associated with those messages on that
16:40:39 3 document.

16:40:40 4 A. What did they say or what --

16:40:43 5 Q. "Hey, Joe. Just wanted to let you know
16:40:45 6 the truck is due by 4:00 today and the insurance
16:40:49 7 any time."

16:40:51 8 A. I'm sorry, I'm going through. There are
16:41:00 9 so many of them like that. Hey, Joe, blah, blah,
16:41:02 10 blah. Okay. There's the failure to appear.

16:41:15 11 THE WITNESS: Can you show it to me
16:41:17 12 there, Kevin?

16:41:23 13 A. Okay. I see it. That's November 24th.
16:41:27 14 Friday, November 24th.

16:41:29 15 BY MS. SPILLANE:

16:41:29 16 Q. Friday, November 24th, 2017?

16:41:31 17 A. Yes.

16:41:35 18 Q. Okay. All right. And so for these
16:41:40 19 messages, it seems like there was a truck payment
16:41:42 20 due and insurance payment due. So still, as of the
16:41:46 21 end of November 2017, the truck had not been paid
16:41:50 22 off and the insurance was still owed, and both of
16:41:56 23 those were still in your wife's and your name,
16:41:59 24 correct?

16:41:59 25 A. Yes.

16:42:00 1 Q. Okay. And I don't have any response to
16:42:06 2 that text message. Was that something that
16:42:09 3 happened after December 2017?

16:42:11 4 A. Yes. I don't see a response.

16:42:16 5 Q. Okay.

16:42:17 6 A. Actually, I don't see responses going
16:42:19 7 all the way. No.

16:42:24 8 Q. Okay. Your testimony earlier today was
16:42:25 9 that you understood that the truck had been paid
16:42:28 10 off, though, so that happened -- that must have
16:42:32 11 happened sometime after November --

16:42:32 12 A. Yes.

16:42:34 13 Q. I'm sorry. What did you say, November
16:42:36 14 24th, 2017?

16:42:37 15 A. Yes. I didn't realize how long we had
16:42:39 16 the truck for, but, yes, he definitely paid it off.
16:42:43 17 It's just a matter of I don't know the exact time.

16:42:48 18 Q. Okay. And do you know whether he paid
16:42:54 19 it off through Pristec funds or Innovative Crude
16:42:58 20 Technology funds?

16:43:00 21 A. I wouldn't know. I don't think he paid
16:43:02 22 off like a huge lump sum. I think he just made the
16:43:06 23 payments until he owed no more, because he never
16:43:09 24 had money like that where he could make -- even
16:43:11 25 though he asked -- where you saw in the text where

16:43:14 1 he asked, he never made it. Unless I'm like, hey,
16:43:18 2 listen, we have to pay 1800 because it's overdue,
16:43:22 3 then that would happen.

16:43:26 4 Q. Okay. But you're no longer receiving
16:43:28 5 any bills from Ally for the car loan, is that
16:43:33 6 right?

16:43:33 7 A. No.

16:43:33 8 Q. Okay. And you haven't been for
16:43:35 9 sometime?

16:43:37 10 A. Yes. Correct. No, I haven't.

16:43:40 11 Q. Okay. And that's also the case with the
16:43:42 12 insurance, you're not receiving bills for the
16:43:44 13 insurance. And as far as you know, there's no
16:43:46 14 insurance in your name for Mr. Laura's truck
16:43:49 15 anymore?

16:43:49 16 A. No. There's no insurance in mine or my
16:43:51 17 wife's name.

16:43:55 18 Q. Earlier, you had testified about your
16:44:01 19 recent tax filings for earlier years, and I just
16:44:08 20 wanted to get a little bit more details on that.

16:44:12 21 Do you recall which years those tax
16:44:15 22 filings covered?

16:44:20 23 A. '13 through '17.

16:44:23 24 Q. '13 through '17. Okay.

16:44:26 25 And did you have an accountant that

16:44:28 1 assisted you with that process?

16:44:32 2 A. No.

16:44:34 3 Q. Okay. And you said you filed that in
16:44:37 4 2021, is that right?

16:44:38 5 A. Yes. I actually did through 2018.

16:44:44 6 Q. Okay. And did you file those before you
16:44:50 7 received -- before you were served with our
16:44:53 8 subpoena or after?

16:44:54 9 A. After.

16:45:00 10 Q. Okay. And can you recall how long
16:45:01 11 after? Was it --

16:45:04 12 A. Like last week after.

16:45:13 13 Q. Okay. Were you working on this project
16:45:18 14 while you were ill with your medical issue that
16:45:26 15 caused you to delay this deposition?

16:45:30 16 A. I've been working on this thing forever
16:45:33 17 trying to get all these numbers together.

16:45:41 18 MS. SPILLANE: Okay. All right. Let me
16:45:42 19 just check my notes real quick.

16:45:45 20 (Pause in the proceedings)

16:45:50 21 MS. SPILLANE: I don't have any more
16:45:52 22 questions for you right now, although we do
16:45:56 23 reserve the ability to ask some additional
16:45:59 24 questions depending on what your counsel
16:46:01 25 plans to ask you.

16:46:04 1 MR. O'CONNOR: Ms. Spillane, can I get a
16:46:10 2 clarification? Do you believe that those tax
16:46:13 3 returns fall within the scope of the
16:46:15 4 subpoena?

16:46:17 5 MS. SPILLANE: To the extent they
16:46:18 6 concern -- to the extent that they concern
16:46:23 7 payments that were made between 2010 and 2017
16:46:28 8 related to Pristec America or Innovative
16:46:32 9 Crude Technologies before -- or to him or for
16:46:35 10 his benefit or any of the individuals that
16:46:37 11 are referenced in the subpoena, then, yes,
16:46:39 12 they would.

16:46:39 13 MR. O'CONNOR: Okay.

16:46:40 14 MS. SPILLANE: I can't make that
16:46:41 15 judgment not knowing what they are. But
16:46:43 16 based on your client's testimony today, it
16:46:45 17 does seem like they would be relevant and
16:46:47 18 responsive.

16:46:48 19 MR. O'CONNOR: Okay. Thank you. Now, I
16:46:50 20 just have a few questions.

16:46:51 21

16:46:51 22 EXAMINATION

16:46:51 23 BY MR. O'CONNOR:

16:46:52 24

16:46:52 25 Q. You testified to two groups of tax

16:46:55 1 returns, right? You have some tax returns that
16:46:59 2 have been filed in the past?

16:47:01 3 A. Right.

16:47:01 4 Q. And then you have this group of tax
16:47:05 5 returns that you've just recently filed, right?

16:47:06 6 A. Yes.

16:47:06 7 Q. And did I hear you say that you're not
16:47:09 8 able to access the prior returns? Is that true?

16:47:12 9 A. No. Yes. The accountant that did those
16:47:15 10 couldn't.

16:47:15 11 Q. He said he doesn't retain them that
16:47:18 12 long?

16:47:18 13 A. Yes.

16:47:18 14 Q. Okay. So you'll get me the returns that
16:47:21 15 she's requested? Yes?

16:47:23 16 A. Yes.

16:47:24 17 Q. Okay. Before we move off of these
16:47:29 18 texts, counsel skipped over this text where it says
16:47:34 19 -- and this is Joe Laura. When you raised the fact
16:47:39 20 that you hadn't been paid, he wrote to you, "Sorry.
16:47:42 21 I'm at the lawyers in NYC. Walter and TJ have put
16:47:49 22 us in a very bad position. I'm leaving here in
16:47:53 23 about 20 minutes. I'll call you from," and then
16:47:56 24 it's cut off.

16:47:57 25 A. Right.

16:47:57 1 Q. Do you see that?

16:47:58 2 A. Yes.

16:47:59 3 Q. What understanding did you have about
16:48:00 4 what he's talking about there?

16:48:04 5 A. Just that these two guys are trying to
16:48:07 6 screw Pristec and screw him over. That basically
16:48:11 7 -- to me, rereading that now, it makes me feel like
16:48:19 8 it's kind of over with or it's like we're screwed
16:48:21 9 here.

16:48:22 10 Q. Yes. When do you think was the first
16:48:25 11 time you heard about problems with TJ? And I'm
16:48:27 12 referring there -- who did you believe TJ to be?

16:48:30 13 A. TJ Earle.

16:48:35 14 Q. Okay. When do you remember the first
16:48:36 15 time hearing that TJ Earle was a problem for
16:48:39 16 Pristec?

16:48:40 17 A. I couldn't say an exact date, but I just
16:48:45 18 remember overhearing just about lies and this and
16:48:48 19 that about Walter, about TJ, about Rudy.

16:48:53 20 Q. Okay. So when Mr. Laura is being asked
16:48:58 21 about money, he's telling you, we've got big
16:49:01 22 problems because of TJ. Correct?

16:49:03 23 A. Yes.

16:49:08 24 Q. Okay. So you were asked about back
16:49:09 25 statements. I think your testimony was that you

16:49:12 1 looked into it. And it would cost you money to
16:49:15 2 actually go and get them, is that true?

16:49:16 3 A. Yes. \$20 an hour. But the time they're
16:49:20 4 done going through all those years, I didn't have
16:49:22 5 the money at the time to do it.

16:49:24 6 Q. Well, the point I'm trying to make here
16:49:27 7 is these are not records in your possession, right?

16:49:28 8 A. No. I don't have them.

16:49:37 9 Q. Okay. And the computer that you have,
16:49:43 10 knowing now, looking at that subpoena cutoff date,
16:49:43 11 right --

16:49:43 12 A. Yes.

16:49:45 13 Q. -- is it possible that that computer
16:49:47 14 could have e-mails on it that relate to the period?

16:49:49 15 A. No, not at all.

16:49:55 16 Q. You said that 70,000 miles had been put
16:49:58 17 on the truck. Is that the first or the second
16:50:00 18 truck?

16:50:00 19 A. The first truck, we drove it to the
16:50:04 20 ground --

16:50:04 21 Q. Okay.

16:50:04 22 A. -- going to different business meetings
16:50:05 23 and everything.

16:50:07 24 Q. Now, counsel suggested to you that
16:50:10 25 perhaps there was this period of time where

16:50:12 1 Mr. Laura was out riding around with that truck on
16:50:15 2 his own personal time.

16:50:16 3 Do you remember?

16:50:17 4 A. Yes.

16:50:17 5 Q. Did you gain a sense of how hard Joe
16:50:22 6 Laura was working for Pristec when you were working
16:50:24 7 with him?

16:50:24 8 A. Yes. It was like a nightmare, because I
16:50:28 9 was with him, and it was just like all day every
16:50:31 10 day, nonstop phone calls, nonstop going here,
16:50:35 11 nonstop everything. In the beginning, I was just
16:50:37 12 like, man, I don't know if I can do this, because
16:50:39 13 it was crazy.

16:50:43 14 Q. Did you perceive him to have all this
16:50:45 15 extra time to spend on personal things?

16:50:50 16 A. To be honest with you, even if Joe is
16:50:53 17 doing something personal with his family or
16:50:55 18 whatever, nobody ever gets a word in with him. His
16:50:59 19 kids will tell you this, his mom, his dad. He's
16:51:01 20 always on the phone working. He's always doing
16:51:04 21 something with Pristec. I mean, he's like a
16:51:06 22 machine. He does it all the time. So...

16:51:10 23 Q. And you were asked I think whether his
16:51:12 24 other -- anyone else in his family had a car.

16:51:15 25 Do you remember that?

16:51:16 1 A. Yes.

16:51:17 2 Q. Are you sure that his wife didn't have a
16:51:19 3 car as well?

16:51:19 4 A. No, I'm not sure. I mean, I kind of --
16:51:23 5 I think earlier I said that that was the only car,
16:51:26 6 but I wasn't necessarily referring to that's the
16:51:28 7 only car in his whole family. I just meant the car
16:51:30 8 that he uses. But his wife may have had it car,
16:51:34 9 definitely.

16:51:34 10 Q. Is Joe the kind of guy that you think
16:51:37 11 would ever take advantage of Pristec?

16:51:40 12 A. You know what? I've got to be honest
16:51:43 13 with you. I've been through a lot of stuff, as you
16:51:45 14 can see by looking at these texts. There's been
16:51:48 15 times where I needed none. I've gone through a
16:51:51 16 divorce. I've gone through just about everything I
16:51:54 17 have gone through here, and I still am here. And
16:51:57 18 as far as I'm concerned -- and this is the truth to
16:51:59 19 I don't know whoever is listening. I have known
16:52:02 20 this guy for a long time, and he is honestly a
16:52:05 21 loving, caring -- he's a family man. He's not the
16:52:09 22 type of person that would take family, friends --
16:52:14 23 he would never take these people for their money.
16:52:17 24 I mean, Joe has worked so -- I can only tell you
16:52:18 25 because I've been with him so long. He worked so

16:52:21 1 hard and so long just to get this going.
16:52:25 2 Otherwise, I never would have stayed with this guy.
16:52:27 3 With the money that I was making, I would have
16:52:29 4 never stayed here. I would have left with my wife,
16:52:30 5 my kids, everything else. But I had faith in what
16:52:34 6 he was doing, because I know what kind of person he
16:52:36 7 is.

16:52:36 8 So no matter what somebody else says
16:52:39 9 about him, oh, he's this, he's that or whatever, I
16:52:41 10 know because I spent so much time with him that
16:52:43 11 I've never heard the guy -- I mean, I've never
16:52:46 12 heard the guy say anything about ripping anybody
16:52:49 13 off or taking anybody's money. All I've ever heard
16:52:52 14 him say is, oh, we've got to protect the people in
16:52:54 15 Pristec. Oh, we've got to make sure that the
16:52:56 16 Pristec people get their money back, which I
16:52:59 17 appreciate because it's my mother-in-law. But
16:53:01 18 basically, I mean, he's a great guy, man. He would
16:53:04 19 never steal money from these people. This is not
16:53:09 20 happening.

16:53:10 21 Q. So counsel asked you about whether Joe
16:53:13 22 Laura would take off and spend time working on
16:53:15 23 other business ventures.

16:53:17 24 Do you remember that? She asked you
16:53:19 25 about a couple of other different companies?

16:53:21 1 A. Yes.

16:53:21 2 Q. And whether he was practicing law?

16:53:22 3 A. Yes. Yes.

16:53:23 4 Q. Now, when you were involved with his
16:53:25 5 company, did you see him working on any other
16:53:27 6 companies?

16:53:27 7 A. No, I never did. It was only just
16:53:29 8 Pristec all day every day.

16:53:31 9 Q. And you've been involved with this
16:53:34 10 company since 2011, correct?

16:53:36 11 A. Yes. Yes, 2011.

16:53:39 12 Q. Do you recall it being said by Mr. Laura
16:53:42 13 to others, that there were some monies he was using
16:53:48 14 on personal items but he was taking it as a loan?

16:53:52 15 A. Yes, all the time. At first, I didn't
16:53:57 16 understand what he even meant by it. He was saying
16:53:59 17 it so much. But, yes, I've heard him say it -- I
16:54:03 18 heard him say it to Rudy. I heard him say it to
16:54:05 19 Miguel in a meeting when we were out there in
16:54:09 20 Austria. I've heard him say it to a number of
16:54:11 21 people on the phone. I couldn't tell exactly who
16:54:13 22 all those people were, but I just remember him
16:54:15 23 always saying, "Everything I take from the company
16:54:17 24 is a basically a loan." And I used to just think
16:54:20 25 like why is this guy repeating that to everybody?

16:54:23 1 I just understood.

16:54:25 2 Q. You understood what?

16:54:26 3 A. I just understood that he wasn't going
16:54:27 4 to take a salary from the company until the company
16:54:30 5 started doing well and that whatever monies that he
16:54:32 6 took out, because he obviously needed money to live
16:54:34 7 and stuff, that it would be a loan that he would
16:54:37 8 have to pay back into the company.

16:54:38 9 Q. And you said you saw him say that in the
16:54:40 10 presence of Mr. Miguel Castillo?

16:54:44 11 A. Yes. Miguel and Rudy.

16:54:44 12 Q. Okay.

16:54:46 13 A. And there were several people there,
16:54:48 14 too.

16:54:48 15 Q. We've got to be very careful about what
16:54:50 16 the record says.

16:54:51 17 A. Okay.

16:54:51 18 Q. You can't just say Rudy. Ruediger
16:54:53 19 Nuerk?

16:54:53 20 A. Ruediger Nuerk, yes.

16:54:55 21 Q. From Pristec AG?

16:54:58 22 A. From Pristec AG.

16:54:58 23 Q. And when he said it to these people, did
16:55:01 24 they act surprised?

16:55:02 25 A. Not really. I mean, they weren't

16:55:06 1 completely surprised. I mean, at first, they
16:55:09 2 didn't really understand what exactly he was
16:55:11 3 saying, but then he made it specific. Like, this
16:55:13 4 is the way I want to do it, because I don't want to
16:55:15 5 represent that I'm taking money out of this company
16:55:17 6 when people that I know and love have put money in,
16:55:20 7 that I'm not going to pay back until we're
16:55:23 8 successful.

16:55:26 9 Q. Okay. And the conversations you've
16:55:27 10 described where he told this to other people, were
16:55:29 11 they in 2011?

16:55:33 12 A. To be honest with you, he's been saying
16:55:36 13 it all along. But when I went to -- in Austria
16:55:39 14 with Miguel Castillo and Ruediger Nuerk, I think
16:55:45 15 that was 2011 or end of 2010, right around there.

16:56:04 16 MR. O'CONNOR: Okay. That's all I have.

16:56:11 17 MS. SPILLANE: Yes. I just want a quick
16:56:14 18 question.

16:56:14 19

16:56:14 20 FURTHER EXAMINATION

16:56:14 21 BY MS. SPILLANE:

16:56:14 22

16:56:16 23 Q. Mr. Martelli, did you have access to the
16:56:18 24 Pristec America bank account?

16:56:22 25 A. No. Never.

16:56:23 1 Q. Did you have access to the Innovative
16:56:27 2 Crude Technologies bank account?

16:56:28 3 A. No. Never.

16:56:32 4 Q. Okay. Did Mr. Laura show you bank
16:56:34 5 statements or anything like that from those bank
16:56:38 6 accounts --

16:56:39 7 A. No.

16:56:40 8 Q. -- for assisting him? Okay.

16:56:45 9 MS. SPILLANE: And I just need to go off
16:56:48 10 the record real quick to see if there are any
16:56:50 11 other questions. So we'll come back at 5:00.

16:56:57 12 THE WITNESS: Okay.

16:56:58 13 THE VIDEOGRAPHER: And we're going off
16:56:59 14 the record at 4:56 p.m.

16:57:01 15 (Recess)

17:00:52 16 THE VIDEOGRAPHER: And we're back on the
17:01:15 17 record at 5:01 p.m.

17:01:17 18 BY MS. SPILLANE:

17:01:18 19 Q. Okay. Mr. Martelli, before we broke, I
17:01:22 20 was asking you about Pristec or Innovative Crude
17:01:26 21 Technology bank accounts. I think you indicated
17:01:29 22 that you didn't have access to them and you never
17:01:32 23 saw them, bank statements, is that right?

17:01:35 24 A. Right. Yes. That wasn't part of my
17:01:38 25 job.

17:01:39 1 Q. Okay. And did you have any
17:01:40 2 conversations with the accountant about the state
17:01:44 3 of the Pristec and Innovative Crude Technologies
17:01:48 4 bank accounts?

17:01:49 5 A. No.

17:01:50 6 Q. Okay. And so your testimony before when
17:01:56 7 Mr. O'Connor was asking you some questions about
17:01:58 8 Mr. Laura, I think you indicated that you overheard
17:02:02 9 Mr. Laura telling Mr. Nuerk and Mr. Castillo that
17:02:08 10 he was taking loans from the company, is that
17:02:12 11 right?

17:02:12 12 A. Yes.

17:02:14 13 Q. Okay. And that you thought this was at
17:02:18 14 the end of 2010 or the beginning of 2011?

17:02:21 15 A. Yes, I think so.

17:02:23 16 Q. Okay. And was there anyone else besides
17:02:27 17 you and Mr. Laura and Mr. Nuerk and Mr. Castillo at
17:02:31 18 that discussion?

17:02:34 19 A. There were some other people that I know
17:02:36 20 that -- I think they were on the board of Pristec
17:02:39 21 AG or whatever, but I don't know. I never really
17:02:44 22 met those people. The only people I knew were
17:02:48 23 Ruediger and Miguel. Those other people, they were
17:02:51 24 there momentarily in and out, whatever, so I don't
17:02:53 25 know who any of those people are.

17:02:54 1 Q. Okay. And can you tell me what
17:02:56 2 Mr. Laura said specifically about the loan he was
17:02:59 3 taking?

17:03:00 4 A. He just said that he was going to -- any
17:03:05 5 monies that he took from the company, he was going
17:03:07 6 to take as a loan and that he would repay it.

17:03:09 7 Q. Okay. And how did that subject come up,
17:03:13 8 if you recall?

17:03:13 9 A. You know what? I'm not sure, to be
17:03:19 10 honest with you.

17:03:20 11 Q. Okay. And I think you testified earlier
17:03:22 12 that Mr. Laura said he was -- any money that he
17:03:29 13 took from the company, he was going to repay, but
17:03:32 14 not until something happened with the company. Do
17:03:37 15 I have that right?

17:03:38 16 A. Basically -- I'm trying to think of what
17:03:42 17 I said before. I mean, the bottom line is he said
17:03:45 18 once that he wouldn't take a salary until the
17:03:47 19 company did well. That's what he was saying.

17:03:51 20 Q. Okay. All right. And what about the
17:03:53 21 loan repayment? Did he say when he intended to
17:03:57 22 repay the monies that he was taking from the
17:03:59 23 company?

17:03:59 24 A. No. Not that I can remember. Not a
17:04:06 25 specific date.

17:04:08 1 Q. Okay. Was there a general date, like in
17:04:11 2 a year from now or two years or anything like that,
17:04:14 3 that you can remember?

17:04:16 4 A. No.

17:04:19 5 Q. Okay. And did Mr. Laura, when he was
17:04:22 6 talking about this, have bank statements or any
17:04:25 7 other -- did he say like, here's how much I've
17:04:28 8 taken so far, and here's how much I'm intending to
17:04:31 9 take on an ongoing basis?

17:04:33 10 A. No.

17:04:35 11 Q. All right. And I think you had also
17:04:40 12 said in your conversation with Mr. O'Connor that
17:04:42 13 you heard Mr. Laura say similar things about taking
17:04:47 14 money from the company outside of this meeting with
17:04:52 15 Mr. Nuerk and Mr. Castillo, is that right?

17:04:55 16 A. Yes.

17:04:56 17 Q. Okay. And were these meetings with
17:05:05 18 other people where you heard Mr. Laura say this?

17:05:08 19 A. Oh, no. Basically, I'd hear him on the
17:05:11 20 phone. When we're driving around, I'd hear him say
17:05:14 21 it. I heard him say it numerous times on different
17:05:19 22 locations. Like I said, I don't know exactly who
17:05:20 23 he was saying it to, because I don't know who's on
17:05:24 24 the other end of the phone all the time, but I
17:05:25 25 heard it several times over the course of years.

17:05:28 1 Q. Okay. So which -- around when did you
17:05:30 2 hear him have -- say the first time you heard him
17:05:34 3 talking to somebody on the phone and making a
17:05:37 4 statement about the loan?

17:05:38 5 A. I couldn't tell you, to be honest. I
17:05:42 6 mean, I would be lying if I gave you two dates. I
17:05:45 7 don't know exactly when. I just know because when
17:05:48 8 I first heard it the first couple of times, I was
17:05:52 9 thinking to myself, like, hmm. But then I just got
17:05:57 10 used to hear hearing it. That's why this is one of
17:06:00 11 those things that sticks out. But as far as time
17:06:02 12 goes, I couldn't tell you.

17:06:03 13 Q. Okay. And I think you testified earlier
17:06:05 14 that you were -- you as a general habit and
17:06:11 15 practice were not -- you did not attend any
17:06:14 16 meetings with investors and you did not -- you
17:06:16 17 weren't a part of any communications that Mr. Laura
17:06:19 18 had with investors, is that right?

17:06:20 19 A. Yes.

17:06:21 20 Q. Okay. And the same goes for business
17:06:26 21 meetings, other than the two you were at in
17:06:31 22 Austria, is that right?

17:06:32 23 A. Yes, pretty much. I mean, I'm not
17:06:36 24 saying I've never sat at a dinner at some point in
17:06:40 25 time over the years where there's associates or

17:06:41 1 people around talking about stuff, but I wouldn't
17:06:44 2 know what the heck or when that was. But I made it
17:06:47 3 a practice to -- I wasn't needed or necessarily
17:06:52 4 wanted in those meetings.

17:06:58 5 Q. Okay. And so I just want to make sure
17:07:01 6 then.

17:07:02 7 So this conversation -- this statement
17:07:05 8 that you heard Mr. Laura say about taking loans
17:07:08 9 from the company, that was in the meeting with
17:07:13 10 Mr. Nuerk and Mr. Castillo. And then, after that,
17:07:16 11 you only ever heard him say that on the phone, is
17:07:21 12 that right?

17:07:21 13 A. Yes.

17:07:24 14 Q. Okay. And you can't remember when those
17:07:26 15 phone conversations might have taken place?

17:07:29 16 A. You know, I heard it so many times that
17:07:31 17 there's no way I could remember. It was ongoing.
17:07:35 18 It was like going on for years at a time.

17:07:39 19 Q. Okay. And did you hear Mr. Laura when
17:07:42 20 he would tell these people or whoever it was on the
17:07:48 21 other end of the phone how much money he had
17:07:51 22 already taken?

17:07:52 23 A. No.

17:07:56 24 Q. Any reference to, I provided you bank
17:08:00 25 statements or anything like that, that you heard

17:08:05 1 him say anything specific about the amount that he
17:08:07 2 had taken or that he would -- he was planning to
17:08:10 3 take?

17:08:10 4 A. No. No. Never. Not really.

17:08:15 5 Q. Okay. And the conversation that you
17:08:18 6 recall in Austria with Mr. Nuerk and Mr. Castillo,
17:08:22 7 do you remember anything else that they were
17:08:24 8 discussing other than the money that Laura was
17:08:29 9 taking?

17:08:34 10 A. You know, it was an ongoing
17:08:37 11 conversation. I mean, in the office, over dinner.
17:08:39 12 I mean, they were talking about everything from the
17:08:41 13 technology to what they thought it could do, what
17:08:45 14 certifications they had. Just -- it was just
17:08:50 15 business talk. But to be honest with you, you
17:08:53 16 know, I just wanted to get out of there. I mean,
17:08:56 17 they were just talking about all types of stuff. I
17:08:59 18 mean, it wasn't just that. I don't remember. I
17:09:03 19 mean, mostly I guess technology. I remember Rudy
17:09:06 20 talking about his poker, his bad gambling poker
17:09:12 21 habit that he has. I mean, just little stuff like
17:09:16 22 that. Nothing really that specific, though, except
17:09:18 23 for that.

17:09:20 24 Q. Okay. And then so I just want to
17:09:21 25 confirm, you never heard Mr. Laura explain to any

17:09:25 1 investor that -- well, I'll ask it a different way.

17:09:30 2 Did you ever hear Mr. Laura explain to
17:09:32 3 any investor that he was taking money from the
17:09:35 4 company?

17:09:37 5 A. That he was taking money what, other
17:09:39 6 than a loan?

17:09:41 7 Q. Taking money as a loan or -- I think you
17:09:44 8 also said something about he wasn't going to take a
17:09:47 9 salary until Pristec -- something happened with
17:09:52 10 Pristec?

17:09:54 11 A. Yes. You know, I never -- no, I never
17:09:56 12 heard him -- can you repeat the question, actually,
17:10:01 13 the first question?

17:10:02 14 Q. Did you ever hear Mr. Laura make that
17:10:05 15 same statement to an investor, to somebody you knew
17:10:07 16 was an investor or potential investor?

17:10:09 17 A. No, because I wouldn't know who he was
17:10:12 18 talking to was an investor necessarily or -- so,
17:10:16 19 yes, no.

17:10:22 20 MS. SPILLANE: Okay. I don't think we
17:10:24 21 have any more questions. We'll go off the
17:10:25 22 record. Thank you for your time.

17:10:27 23 THE WITNESS: Thank you.

17:10:30 24 MR. O'CONNOR: Have a good night,
17:10:31 25 everybody.

17:10:32 1 MS. SPILLANE: Good night.

17:10:34 2 THE VIDEOGRAPHER: And this concludes
3 today's videotaped deposition of Joseph
4 Martelli. We're going off the record at 5:10
5 p.m.

6 (Proceedings concluded at
7 5:10 P.M. E.S.T.)
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C E R T I F I C A T E

STATE OF NEW YORK)

) ss.:

COUNTY OF NEW YORK)

I, Christina Diaz, a Certified Realtime Captioner, Registered Merit Reporter and Certified Realtime Reporter and Notary Public within and for the State of New York, do hereby certify:

That JOSEPH MARTELLI, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by such witness on April 14, 2021.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

Dated: April 18, 2021


CHRISTINA DIAZ

NCRA Certified Realtime Captioner
NCRA Certified Realtime Reporter
NCRA Registered Merit Reporter
NYS Certified Shorthand Reporter